



C.M.A.No.1388 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.1388 of 2026

1. K.M.Ravi
2. Kavitha ... Appellants

Vs.

1. Rathinam
2. M/s.P.S.Blue Metals,
Rep. by its Managing Director/Proprietor,
Office 6/27B Kandasamy Nagar ONDY Colony Road,
Kundrathur, Chennai.
Now at No.29 Ramesh Nagar,
West Tambaram, Chennai – 603 103.
3. M/s.ICICI Lombard General Insurance Company Limited,
Rep. by its Manager,
Policy Servicing Branch Office at
2nd and 3rd Floor, Nungambakkam High Road,
Chottabai Centre, Chennai – 600 034. ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount and fix the entire liability on 3rd respondent made in order dated 30.10.2023 made in MCOP No.976 of 2021 on the file of the Motor Accidents Claims Tribunal, Special District Court, Krishnagiri.

For Appellants : Mr.S.P.Yuaraj

For Respondents : Ms.R.Sreevidhya for R3



C.M.A.No.1388 of 2026

JUDGMENT

WEB COPY

This civil miscellaneous appeal has been filed by the appellants/claimants challenging the award passed by the learned District Judge, Special District Court, Motor Accidents Claims Tribunal, Krishnagiri. in MCOP No. 976 of 2021 dated 30.10.2023.

2. The appellants/claimants are the parents of the deceased, Jayakanth. The case of the claimants is that on 01.07.2021, the deceased was riding his two wheeler on the Krishnagiri to Hosur NH road and at about 02.00 hours, when he was proceeding near a petrol bunk at Bathalapalli, a tipper lorry belonging to the second respondent and driven by the first respondent in a rash and negligent manner came to a grinding halt without any signal. As a result, the two wheeler rammed into the tipper lorry, resulting in the deceased sustaining serious injuries and dying in the hospital on 02.07.2021. A First Information Report came to be registered in Crime No.158 of 2021 against the first respondent, the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a



conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed 5% contributory negligence against the deceased on the ground that the deceased had travelled very close to the lorry without leaving a 20 feet gap. Accordingly, 95% negligence was fixed on the offending vehicle.

4. The Tribunal thereafter proceeded to fix the compensation at Rs.38,39,698/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Dependency	32,50,800
2.	Loss of Estate	16,500
3.	Funeral expenses	16,500
4.	Loss of Consortium	88,000
5.	Medical Bills	4,67,898
Total		38,39,698

From the above compensation, 5% contributory negligence was deducted and the total compensation was fixed at Rs.36,47,713/-, which was directed to be paid by the third respondent/Insurance Company along with the interest at the rate of 7.5% per annum.



C.M.A.No.1388 of 2026

5. Aggrieved by the above award passed by the Tribunal, the appellants/claimants have filed the present appeal before this Court.

6. Heard Mr.S.P.Yuaraj, learned counsel for the appellants/claimants and Ms.R.Sreevidhya, learned counsel for the third respondent/Insurance Company.

7. The main ground urged by the learned counsel for the appellants/claimants is that the claimants had proved the salary earned by the deceased by marking the relevant documents through his employer, who was examined as PW3. It is submitted that the Tribunal, instead of taking the gross salary of Rs.24,075/-, had taken the net salary of Rs.21,498/- and calculated the compensation under the head 'loss of dependency'.

8. The further contention putforth on the side of the appellants/claimants is that the Tribunal went wrong in attributing 5% contributory negligence against the deceased, which requires the interference of this Court.

9. In the case in hand, PW3, who is the employer of the deceased, was examined on the side of the claimants. Ex.P21 was also



C.M.A.No.1388 of 2026

marked to show the salary of the deceased. The gross salary of the deceased was Rs.24,075/- and the net salary was Rs.21,498/-. Thus, the net salary was taken into consideration by the Tribunal while fixing the compensation under the head 'loss of dependency'.

10. The learned counsel for the appellants relied upon the judgment of the Hon'ble Apex Court in *Meenakshi vs. The Oriental Insurance Co. Ltd.* [CDJ 2024 SC 645], wherein the Hon'ble Apex Court held that while calculating the income, the allowances under the heads of transport allowance, house rent allowance, provident fund loan, provident fund and special allowance should be added to the basic salary of the deceased to arrive at the dependency factor.

11. In the case in hand, out of the gross salary of Rs.24,075, the deduction has been made towards the provident fund to the tune of Rs.1,800/- and another deduction of Rs.777/- has been made towards benevolent contribution. In the considered view of this Court, in view of the above judgment, the deduction made towards the provident fund to the tune of Rs.1,800/- must be added to the salary and accordingly, this Court is inclined to fix the monthly income of the deceased at Rs.23,298/-.



C.M.A.No.1388 of 2026

WEB COPY 12. In view of the above, the compensation under the ‘loss of dependency’ is calculated as follows:

Monthly Income	:	Rs. 23,298/-
Add:40% future prospects	:	Rs. 9,319/-

		Rs. 32,617/-
Less: Personal expenses (1/2)	:	Rs. 16,308.5/-

		Rs. 16,308.5/-
		x 12

Annual income	:	Rs. 1,95,702/-
Multiplier	:	x 18

Loss of income	:	Rs.35,22,636/-

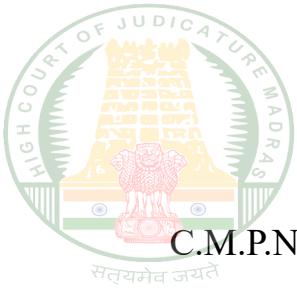
13. The next issue is regarding the 5% contributory negligence that was fixed by the Tribunal. Considering the manner in which the accident had taken place, the two wheeler which was driven by the deceased could not have been brought to a grinding halt since the driver of the offending vehicle had stopped the vehicle abruptly. Hence, the 5% contributory negligence that was fixed by the Tribunal against the deceased is also set aside.



WEB COPY 14. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Loss of Dependency	32,50,800	35,22,636
2.	Loss of Estate	16,500	16,500
3.	Funeral expenses	16,500	16,500
4.	Loss of Consortium	88,000	88,000
5.	Medical Bills	4,67,898	4,67,898
Total		38,39,698	41,11,534
5% Contributory Negligence		1,91,985	-
Compensation Payable		36,47,713	41,11,534
Rounded off to			41,11,600/-

15. The compensation awarded by the Tribunal at Rs.36,47,713/- is enhanced to Rs.41,11,600/-. The third respondent/Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.4,63,887/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 287 days as was ordered by this Court in 7/9



C.M.A.No.1388 of 2026

C.M.P.No.1325 of 2025 in C.M.A.Sr.No.174295 of 2024 dated 24.04.2026.

WEB COPY

Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

16. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs.

09.07.2026

Neutral Citation: Yes/No
ham

To

1. The District Judge,
Special District Court,
Motor Accidents Claims Tribunal,
Krishnagiri District.
2. The Section Officer,
VR Section,
High Court of Madras.



WEB COPY



C.M.A.No.1388 of 2026

N. ANAND VENKATESH, J.

ham

C.M.A.No.1388 of 2026

09.07.2026