



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2227 of 2026

1. Periyakkal
W/o.Late Kandhasamy
2. Erusaye @ Sangeetha
W/o.Sakthivel
3. Loganathan
S/o.Late Kandhasamy
4. Manikandan
S/o.Late Kandhasamy
5. Tamilarasan
S/o.Late Kandhasamy

..Appellants

Vs

1. Venugopal
S/o.Palaniappan
2. National Insurance Company Limited,
Tiruchencode Division,
II Floor, 81-D, Chetty Street,
Opp Bus Stand, Tiruchengode Taluk,
Namakkal District.
Having Branch Office at 1st Floor,
LRN Building, Saradha College Road,
Salem - 7.
3. Senthilnathan
S/o.Nadarajan

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 01.09.2022 made in MCOP No.412 of 2021 on the file of the Special District Judge, Motor Accident Claims Tribunal, Salem.



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For Appellants : Mr.H.Manojin

For Respondents : Mr.S.Senthilkumar [R2]
Ex parte [R1 & R3]

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special District Judge, Salem, passed in M.C.O.P.No.412 of 2021 dated 01.09.2022, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife and claimants 2 to 5 are the children of the deceased Kandasamy. The case of the claimants is that on 07.08.2020, the deceased was riding a two wheeler along with a pillion rider at Oothupalayam to Irugalur main road and at about 12.15 p.m., when the two wheeler was going opposite to Masagounder Thottam, the offending vehicle, a two wheeler, was driven in a rash and negligent manner and dashed against the two wheeler ridden by the deceased as a result of which the deceased was thrown away from the two wheeler and sustained grievous injuries and succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.



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 due to the rash and negligent driving on the part of the rider of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income	9,90,000/-
2.	Loss of love and affection	1,00,000/-
3.	Loss of consortium	40,000/-
4.	Funeral expenses	25,000/-
	Total	11,55,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the present appeal has been filed before this Court seeking enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for second respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. In the case in hand, the deceased was aged about 58 years at the time of demise, he left behind his wife and four children out of which there is one



married daughter and three sons, who were aged about 25, 22 and 20 years respectively. The accident had taken place in the year 2020. The Tribunal while calculating the loss of income has fixed the notional monthly income at Rs.12,000/-, which is on the lower side and hence, this Court is inclined to fix Rs.18,000/- as the notional monthly income and add 10% towards future prospects. Thus, the compensation under the head 'loss of income' is calculated as follows:

Monthly Income	:	Rs. 18,000/-
Add: 10% future prospects	:	Rs. 1,800/-

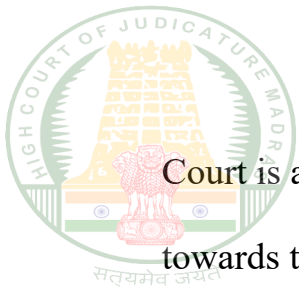
		Rs. 19,800/-
Less: Personal expenses (1/4)	:	Rs. 4,950/-

		Rs. 14,850/-
		x 12

Annual income	:	Rs.1,78,200/-
Multiplier	:	x 11

Loss of income	:	Rs.19,60,200/-

6. The Tribunal had fixed a sum of Rs.1,00,000/- under the head 'loss of love and affection' and Rs.40,000/- under the head 'loss of consortium. This Court is inclined to consolidate the same and grant Rs.2,00,000/- [40,000 * 5] under the head 'loss of consortium'. The Tribunal had granted Rs.25,000/- under the head 'funeral expenses' and the same is reduced to Rs.15,000/-. This



Court is also inclined to grant Rs.15,000/- towards loss of estate and Rs.10,000/- towards transport charges.

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

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of income	9,90,000/-	19,60,200/-
2.	Loss of love and affection	1,00,000/-	-
3.	Loss of consortium	40,000/-	2,00,000/-
4.	Funeral expenses	25,000/-	15,000/-
5.	Loss of estate	-	15,000/-
6.	Transport charges	-	10,000/-
	Total	11,55,000/-	22,00,200/-

8. The compensation awarded by the Tribunal at Rs.11,55,000/- is enhanced to Rs.22,00,200/-. The second 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. On such deposit, the appellants/claimants are entitled to withdraw their respective share on due application. Insofar as the enhanced compensation of Rs.10,45,200/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 1015 days as was ordered by



N.ANAND VENKATESH, J.

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this Court in C.M.P.No.32392 of 2025 in C.M.A.Sr.No.164480 of 2025 dated 24.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants/claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

20-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Special District Judge,
Motor Accident Claims Tribunal,
Salem.

Civil Miscellaneous Appeal No.2227 of 2026