



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2163 of 2026

1. Santhi,
W/o.Late Anbazhakan @ Anbalagan
2. Gowthami,
W/o.Sureshkumar
3. Dilipkumar,
S/o.Late Anbazhakan alias Anbalagan

..Appellants

Vs

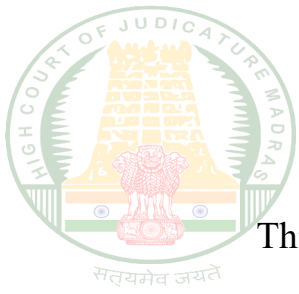
1. Maniam,
S/o.Sellamuthu
2. United India Insurance Company Limited,
Having Branch Office at 146 N, Kumar
Complex, Annasalai, Tiruchengode -637 211,
Having Branch Office at No.140 -A, 1st Floor,
Peramanur Main Road, Near Four Roads
Peramanur, Salem District.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 01-03-2024 made in MCOP.No.686 of 2023 on the file of the learned Special District Judge, MCOP, Tribunal, Salem.

For Appellants : Mr.S.Ramprabu

For Respondents : Mr.D.Bhaskaran [R2]



JUDGMENT

This appeal has been filed against the judgment of the Motor Accident Claims Tribunal, Special District Judge, Salem, passed in M.C.O.P.No.686 of 2023 dated 01.03.2024, wherein the claimants have sought for enhancement of compensation.

2. The first claimant is the wife and claimants 2 and 3 are children of the deceased. The case of the claimants is that on 31.08.2013, the deceased was riding his two wheeler at Ariyanur Attayampaty main road and at about 8.15 PM., when the two wheeler was going near Mythily hospital, the offending vehicle, a two wheeler, was driven in a rash and negligent manner and it dashed against the two wheeler ridden by the deceased, as a result of which, the deceased was thrown out of the vehicle and he sustained grievous injuries. Ultimately, the deceased succumbed to the injuries on 31.01.2014. 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 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. The Tribunal having rendered the above finding, fixed



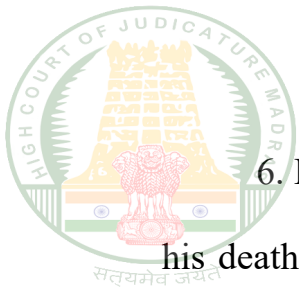
the total compensation at Rs.12,70,025/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income	8,80,000/-
2.	Loss of love and affection	60,000/-
3.	Loss of consortium	40,000/-
4.	Medical expenses	2,65,025/-
5.	Funeral expenses	25,000/-
	Total	12,70,025/-

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

4. Heard learned counsel for appellants 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. The main ground urged is that the accident was of the year 2013, whereas, the Tribunal had fixed the notional monthly income including future prospects at Rs.10,000/-. Apart from that, it is contended that the Tribunal had fixed a lesser compensation under the head 'loss of consortium' and no compensation has been granted under the head 'loss of estate'.



6. In the case in hand, the deceased was aged about 54 years at the time of his death. The accident had taken place in the year 2013. Hence, this Court is inclined to fix notional monthly income at Rs.12,500 and add 10% future prospects. Thus, the compensation under the head loss of dependency is calculated as follows:

Monthly Income	:	Rs. 12,500/-
Add: 10% future prospects	:	Rs. 1,250/-

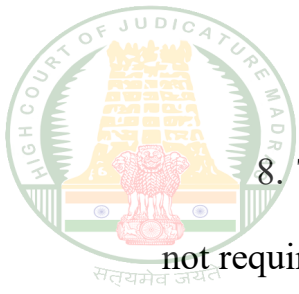
		Rs. 13,750/-
Less: Personal expenses (1/3)	:	Rs. 4,583/-

		Rs. 9,167/-
		x 12

Annual income	:	Rs.1,10,004/-
Multiplier	:	x 11

Loss of income	:	Rs.12,10,044/-

7. The Tribunal has granted compensation under the head 'loss of love and affection' at Rs.60,000/- and 'loss of consortium' at Rs.40,000/-, instead, it is consolidated and the compensation is granted under the head 'loss of consortium' at Rs.1,20,000/- [40000 * 3]. The Tribunal has granted compensation under the head 'funeral expenses' at Rs.25,000/-, the same is reduced to Rs.15,000/-. However, this Court is inclined to grant Rs.15,000/- under the head 'loss of estate'.



8. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

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9. 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	8,80,000/-	12,10,044/-
2.	Loss of love and affection	60,000/-	-
3.	Loss of consortium	40,000/-	1,20,000/-
4.	Medical expenses	2,65,025/-	2,65,025/-
5.	Funeral expenses	25,000/-	15,000/-
6.	Loss of estate	-	15,000/-
	Total	12,70,025/-	16,25,069/-

10. The compensation awarded by the Tribunal at Rs.12,70,025/- is enhanced to Rs.16,25,069/-. 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. Insofar as the enhanced compensation of Rs.3,55,044/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 434 days as was ordered by this Court in C.M.P.No.28008 of



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2025 in C.M.A.Sr.No.169248 of 2025 dated 18.06.2026. 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.

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

14-07-2026

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

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