



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1830 of 2026

1.R.Pushparaj
S/o.Ramamoorthy

2.Minor Jithesh
S/o.R.Pushparaj

..Appellants

.Vs.

1.Kalaingar
S/o.Palanisamy

2.The Divisional Manager
Shriram General Insurance CO.Ltd.,
Divisional Office, E-8, RIICO Industrial Area
Sita Pura, Jaipur, Rajasthan-302022.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, challenging the order dated 08.03.2022 made in MCOP No.830 of 2019, on the file of the MACT, Special District Court for Motor Accident Claims Cases, Krishnagiri.

For Appellants : Mr.S.P.Yuvaraj

For Respondents : Mr.G.Paramasivam for R1

Mr.B.Sivakollappan for R2



JUDGMENT

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This appeal has been filed challenging the award passed by the Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri. in MCOP No.830 of 2019, dated 08.03.2022, wherein the claimants are seeking for enhancement of compensation.

2.The 1st claimant is the husband and the 2nd claimant is the minor son of the deceased Elamathi. The claim petition was filed on the ground that on 10.12.2018, at about 6.30 p.m, the deceased was travelling as a pillion rider on the two wheeler driven by the 1st claimant and was proceeding towards Pochampalli. At that point of time, the driver of the offending vehicle belonging to the 1st respondent drove the same in a rash and negligent manner and dashed against the two wheeler from behind as a result of which the deceased fell down and lorry ran over the deceased resulting in her death on the spot. An FIR came to be registered in Crime No.459 of 2018. 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 evidence came to a conclusion that the accident had



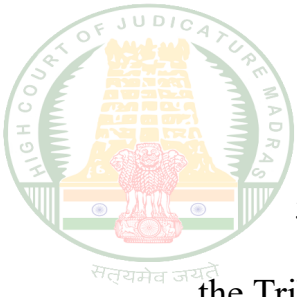
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taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.21,33,872/- under various heads as follows:

<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Dependency	20,23,872/-
2.	Loss of Estate	15,000/-
3.	Funeral Expenses	15,000/-
4.	Loss of Consortium (P1 & P2 Rs.40,000x2 = Rs.80,000)	80,000/-
	Total :	21,33,872/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

4.Heard learned counsel for appellants and learned counsel for respondents.



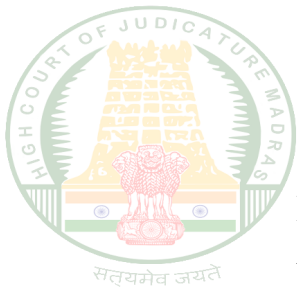
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5.The main ground that was urged on the side of the appellants is that the Tribunal had erroneously taken the monthly salary at Rs.11,294/- which is on the lower side.

6.On a careful reading of the award passed by the Tribunal it is seen that the Tribunal had relied upon Ex.P-11 and Ex.P-13 and also considered the evidence of PW-2 and fixed the monthly income at Rs.11,294/- based on the salary received by the deceased during November 2018.

7.In the considered view of this Court, even if the claimants had not proved the monthly income of the deceased and the deceased was treated as a housewife, a higher monthly income would have been fixed as per the various judgments of this Court and the Hon'ble Apex Court. Therefore, in the considered view of this Court, a sum of Rs.11,294/- fixed as the 'monthly income' is on the lower side. Hence, this Court is inclined to fix 'monthly income' at Rs.15,000/-.

8.In the light of the above discussion, the compensation under the head 'loss of income' is calculated as follows:



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Monthly Income	:	Rs.15,000/-
Add: 40% future prospects	:	Rs. 6,000/-

		Rs.21,000/-
Less: Personal expenses(2/3)	:	Rs.14,000/-

		Rs.14,000
		x12

Annual Income	:	Rs.1,68,000/-
Multiplier		x16

Loss of Income	:	Rs.26,88,000/-

8.The compensation granted under the other heads are just and proper and it does not require the interference of this Court.

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

Sl. No.	Compensation awarded under the head	Amount awarded by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Loss of Dependency (14000 x 12 x 16)	20,23,872/-	26,88,000/-
2.	Loss of Estate	15,000/-	15,000/-
3.	Funeral Expenses	15,000/-	15,000/-
4.	Loss of Consortium (P1 & P2 Rs.40,000x2 = Rs.80,000)	80,000/-	80,000/-
	Total :	21,33,872/-	27,98,000/-



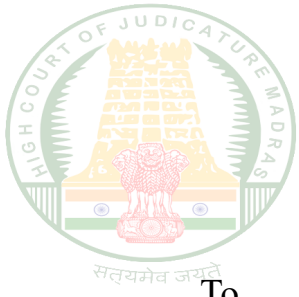
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10. The compensation awarded by the Tribunal at 21,33,872/- is enhanced to Rs.27,98,000/- The 2nd respondent Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a., from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.6,64,128/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 1171 days as was ordered by this Court in CMP.No.29363 of 2025 in C.M.A.SR.No.179203 of 2025 dated 10.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

02.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
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The Motor Accident Claims Tribunal
Special District Court for Motor Accident Claims Cases
Krishnagiri.



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N. ANAND VENKATESH., J

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