



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.3665 of 2025

1.S.Subramaniam

2.S.Vetriselvi

..Appellants

.VS.

1.AJS Agency
No.3A, kadhar Thottam PV Nagar,
Nanganallur,
Chennai 600 061.

2.M/s.ICICI Lombard General Insurance Company Ltd.,
“Arihant Plaza” 1st Floor,
No.84 & 85, Waltax Road,
Chennai 600 003.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and Decree made in MCOP No.5098 of 2022, on the file of the Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes), Chennai dated 23.07.2025.

For Appellants : Ms.Pravalika

For Respondents : Mr.J.Michael Visuvasam for R2



JUDGMENT

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This appeal has been filed against the Award passed by the MACT, (Chief Judge, Court of Small Causes), Chennai in MCOP No.5098 of 2022 dated 25.07.2025, wherein the claimants have sought for enhancement of compensation.

2.The claimants are the parents of the deceased Subitha. The case of the claimants is that on 01.09.2022, the deceased was travelling in a two wheeler as a pillion rider and was proceeding from ACS Medical College and at about 19.30 hours, near Poonamallee bye-pass, the offending vehicle which was a lorry was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the deceased was thrown out of the vehicle and she sustained fatal injuries and succumbed to the injuries. An FIR came to be registered in Crime No.623 of 2022 against the driver of the lorry. 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.



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4. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.26,56,040/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency Rs.23,380 x 12 x 18 x ½	25,25,040
Loss of Estate	16,500
Loss of Consortium (Rs.44,000 (each) x 2)	88,000
Funeral Expenses	16,500
Transportation Charges	10,000
Total	26,56,040
Rounded off	26,56,100

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6. Aggrieved by the same, the present appeal has been filed seeking for enhancement of compensation.

7. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the 2nd respondent.



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8.The main issue that was raised in the present appeal is regarding the notional monthly income that was fixed by the Tribunal while calculating the compensation under the head of loss of income. In the case in hand, the deceased was aged about 23 years and she was a college student. The Tribunal has fixed the notional monthly income at Rs.16,700/-, which is on the lower side. This Court is inclined to fix the notional monthly income at Rs.20,000/-. Accordingly, the compensation under the head of loss of income is calculated as follows:

$$\text{Rs.28,000 (Rs.20,000/- + 8,000[40\%])} \times 12 \times 18 \times 1/2 = \text{Rs.30,24,000/-}$$

9.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

10.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency Rs.23,380 x 12 x 18 x ½	30,24,000
Loss of Estate	16,500



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Loss of Consortium (Rs.44,000 (each) x 2)	88,000
Funeral Expenses	16,500
Transportation Charges	10,000
Total	31,55,000

11.The compensation awarded by the tribunal at Rs.25,56,100/- is enhanced to Rs.31,55,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.31,55,000/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment.

12.In the result, this Civil Miscellaneous Appeal is partly allowed in the above terms. No Costs.

24.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



N. ANAND VENKATESH., J

SSR

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To

The Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes),
Chennai

CMA No.3665 of 2025

24.07.2026