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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1955 of 2026

Manmadhan

S/o. Late Subramani – **Died**

1.Malliga

W/o.Ramachandran

2.Renuga

W/o.Karthikeyan

3.Bavani

W/o.Suresh

..Appellants

**(Petitioners 2 to 4 are residing at
No.7/65, Barath Cross Street,
Medavakkam, Cholinganallur
Chennai-100).**

***Amended as per Order in M.P.No.5/2022,
Dated: 18.11.2022.**

.Vs.

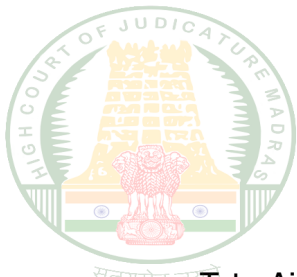
E.Sivakumar – **Died**

S/o. Ellappan

O.No.43, N.No.464, Annai Velankanni

Koil Street, Periyarnagar

Besant Nagar, Chennai-100.



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Tata Aig General Insurance Company Ltd.,
No.1, Ethiraj Salai, Egmore
Chennai-600 008.

***Amended as per Order in M.P.No.5/2022,
Dated: 18.11.2022.**

..Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 03.12.2024 in MACT.O.P.No.866 of 2020, on the file of the Chief Judge, Small Causes Court (Motor Accident Claims Tribunal) Chennai.

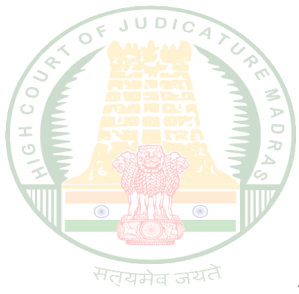
For Appellants : Mr.K. Ayyadurai

For Respondent : Ms.C.Harini
for Mr.M.B.Raghavan

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai, in MACT.O.P.No. 866 of 2020 dated 03.12.2024 wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2.Heard the learned counsel for appellants and learned counsel for respondent.



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3.The 1st claimant is the husband and the claimants 2 to 4 are the daughters of the deceased Chandra. They filed the claim petition on the ground that the deceased was travelling as a pillion rider in a two wheeler and on 24.12.2019 at Medavakkam Main Road and at about 09.20 hours, the offending vehicle which was an Autorickshaw was coming in the same direction and was driven in a rash and negligent manner and hit the two wheeler as a result of which the deceased was thrown out of the vehicle and she sustained fatal injuries and died on 26.12.2019. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.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 rendering such a finding, the Tribunal proceeded to fix the total compensation at Rs.12,49,000/- under various heads as follows:



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Sl.No	Compensation awarded under the head	Amount (in Rs.)
1.	Towards Loss of Income/Dependency Rs.16,500x12x11x1/2	10,89,000/-
2.	Towards Loss of Estate	15,000/-
3.	Towards Loss of Consortium Rs.40,000/-(Each) x 3	1,20,000/-
4.	Towards Funeral Expenses	15,000/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-
	Compensation Payable	12,49,000/-

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.

5.During the pendency of the claim petition, the 1st claimant who is the husband died and hence the appellants before this Court are the daughters of the deceased who are seeking for enhancement of compensation.

6.The learned counsel for the appellants submitted that the deceased was a house wife and the accident had taken place in the year 2019 and whereas the Tribunal had fixed the notional monthly income of Rs.15,000/- which is on the lower side. The learned counsel further submitted that the



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Tribunal ought to have deducted 1/3rd towards personal expenses and whereas the Tribunal had deducted 1/2 towards personal expenses and the same requires interference of this Court.

7.Per contra, the learned counsel for respondent - Insurance Company submitted that the deceased was a house wife and considering the same, the Tribunal had fixed the notional monthly income at Rs.15,000/- per month which is reasonable. The learned counsel submitted that while fixing this amount, the Tribunal also took into consideration one of the judgment that was passed by this Court in CMA No.2732 of 2022 dated 13.03.2024. The learned counsel further submitted that the daughters were all married and they were not dependents on the deceased. Therefore, even if the husband was alive, 1/2 must be deducted towards personal expenditure and not 1/3rd as was claimed on the side of the appellants. The learned counsel therefore submitted that the compensation that was fixed by the Tribunal may be sustained.

8.In the considered view of this Court, the deceased is admittedly a house wife and the notional monthly income of Rs.15,000/- fixed by the Tribunal is on the lower side. There are series of judgments starting from the year 2007 onwards where this Court and the Hon'ble Apex Court has been



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fixing the notional monthly income at Rs.20,000/-. Recently, the Hon'ble Apex Court had fixed the notional monthly income at Rs.30,000/- per month for a house wife. Considering the fact that the accident had taken place in the year 2019, this Court is inclined to fix the notional monthly income at Rs.20,000/-.Accordingly, the compensation under the head 'loss of income' is calculated as follows:

Monthly Income	:	Rs.20,000/-
Add: 10% future prospects	:	Rs. 2,000/-

		Rs.22,000/-
Less: Personal expenses(1/2)	:	Rs.11,000/-

		Rs.11,000/-
		x 12

Annual income	:	Rs.1,32,000
Multiplier	:	x11

Loss of income	:	Rs.14,52,000

9.Insofar as deduction towards personal expenditure is concerned, the Tribunal was perfectly right in deducting 1/2 towards personal expenditure. Even if the husband had been alive, the said deduction would have been in order.

10.This Court finds that the Tribunal has fixed the compensation under the head of 'Loss of Consortium at Rs.1,20,000/- [Rs.40,000/- x 3 (each)].



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The deceased left behind the husband and three daughters and the husband died only after the filing of the claim petition. Therefore, the compensation has to be fixed at Rs.1,60,000/- [Rs.40,000 x 4] under this head.

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

12.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 awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Towards Loss of Income/Dependency Rs.16,500x12x11x1/2	10,89,000/-	14,52,000/-
2.	Towards Loss of Estate	15,000/-	15,000/-
3.	Towards Loss of Consortium Rs.40,000/-(Each) x 3	1,20,000/-	1,60,000/- (Rs.40000/- x (each) 4)
4.	Towards Funeral Expenses	15,000/-	15,000/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-	10,000/-
	Compensation Payable	12,49,000/-	16,52,000/-



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13.The compensation awarded by the Tribunal at Rs.12,49,000/- is enhanced to Rs.16,52,000/-. The 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.4,03,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 216 days as was ordered by this Court in CMP.No.32322 of 2025 in C.M.A.SR.No.187085 of 2025 dated 08.06.2026. 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.

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

30.06.2026

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



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To

Motor Accident Claims Tribunal
Chief Judge, Small Causes Court
Chennai.



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N. ANAND VENKATESH., J

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