



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2497 of 2026

C.Mathivanan
S/o.Late Chandramohan

..Appellant

Vs

1. S.Jeevanantham
S/o.Sundaram
2. G.Siva
S/o.Govindasamy
3. The New India Assurance Co. Ltd.,
Having its branch office at,
No.26, TLUS Complex,
II Floor, No.27/4-Sankari Road,
Tiruchengode, Tiruchengode Taluk,
Namakkal District - 637 211.
4. The New India Assurance Co.,
Having Divisional Office at No.1360-A,
Amman Complex, 1st Floor,
Mettur Road, Erode - 638 011.
Erode Taluk, Erode District.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 21.01.2024 made in MCOP No.195 of 2021 on the file of the Special District Court, (To deal with MCOP Cases) Erode.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.J.Michael Visuvasam [R3 & R4]



JUDGMENT

This appeal has been filed against the award passed by the Special District Court (to deal with MCOP cases), Erode, in M.C.O.P.No.195 of 2021 dated 21.01.2024, wherein the claimant is seeking enhancement of compensation.

2. The claimant is the son of the deceased. The case of the claimant is that his father was riding a bicycle at Erode to Nasiyanur road on 18.11.2020 and at about 06.50 p.m., the offending vehicle, a two wheeler, came in a rash and negligent manner and dashed against the bicycle as a result of which the deceased was thrown out of the bicycle and he sustained fatal injuries and he succumbed to the injuries. A First Information Report in Crime No.1067 of 2020 came to be registered against the rider of the offending vehicle. 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 riding 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



<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income/dependency	8,71,200/-
2.	Loss of parental consortium	44,000/-
3.	Funeral expenses	16,500/-
4.	Loss of estate	16,500/-
5.	Damages to clothing and articles	1,000/-
	Total	9,49,200/-

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 by the claimant seeking enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for respondents 3 and 4. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. The bone of contention is regarding monthly income fixed by the Tribunal while calculating the compensation under the head 'loss of income/dependency'.

6. In the considered view of this Court, the claimant in this case was 29 years and the deceased, who is the father, was aged about 55 years. Hence, one



important question that will arise in this case is as to whether the claimant was actually dependent on the income of the deceased. This is in view of the fact that the claimant was a man aged about 29 years and therefore, he would not be wholly dependent on the income of the deceased.

7. When this case is viewed from the above angle, the compensation fixed by the Tribunal under the head 'loss of income/dependency' is just and reasonable and it does not require the interference of this Court. So is the case with the compensation fixed under various heads.

8. The respondents 3 and 4 are directed to deposit the compensation of Rs.9,49,200/- awarded by the Tribunal, 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. On such deposit, the claimant is entitled to withdraw the same on due application. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of compensation amount to the claimant.



In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gm

To

The Special District Court,
(To deal with MCOP Cases),
Erode.



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N.ANAND VENKATESH, J.

gm

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