



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.3785 of 2025
and Cross Obj. No.15 of 2026
and CMP No.31567 of 2025

CMA No.3785 of 2025

United India Insurance Company Ltd.,
Motor Third Party Claims Hub,
Silingi Building, 4th Floor, No.134,
Greams Road, Chennai 600 006.

..Appellant

.vs.

1.Vijayalakshmi

A.Mohammed Yakub (since died)

2.P.Janakiraman

3.Vanaja

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award and decree dated 12.08.2025 made in MCOP No.650 of 2021, on the file of the Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes), Chennai.

For Appellants : Mr.D.Bhaskaran

For Respondents : Mrs.A.Subadra for R1



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Cross Obj. No.15 of 2026

Vijayalakshmi

Petitioner

vs.

A.Mohammed Yakub (since died)

1.United India Insurance Company Ltd.,
Motor Third Party Claims Hub,
Silingi Building, 4th Floor, No.134,
Greams Road, Chennai 600 006.

2.P.Janakiraman

3.Vanaja

Respondents

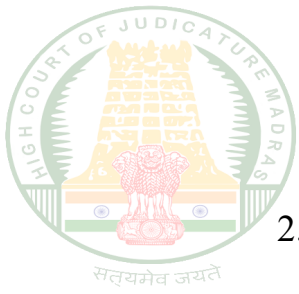
Prayer: Petition filed under Order r1, Rule 22 of CPC, against the order dated 12.08.2025 in MCOP No.650 of 2021, on the file of the Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes), Chennai.

For Appellants : Mrs.A.Subadra

For Respondents : Mr.D.Bhaskaran for R1

JUDGMENT

This appeal has been filed by the Insurance Company against the Award passed by the MACT, (Chief Judge, Court of Small Causes), Chennai in MCOP No.650 of 2021 dated 12.08.2025.



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2.The Cross Objections has been filed by the claimant seeking for enhancement of compensation.

3.The claimant is the daughter of the deceased Mrs.Marey. The case of the claimant is that the deceased was a pedestrian at Chennai-Bangalore National Highway on 05.03.2020 and at about 20.10 hours, in front of the EVP Film City entrance, the offending vehicle which was a Mahindra Bolero car was driven in a rash and negligent manner and it dashed on the deceased. As a result of which, the deceased sustained fatal injuries and died on the spot. An FIR came to be registered in Crime No.233 of 2020 against the driver of the offending vehicle. 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.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.7,44,000/- under the following heads as follows:

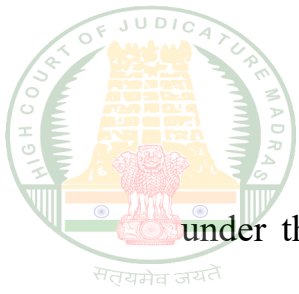


Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency Rs.14,600 x 12 x 5 x 2/3	5,84,000
Towards Loss of Estate	15,000
Towards Loss of Consortium (Rs.40,000 (each) x 3)	1,20,000
Towards Funeral Expenses	15,000
Towards Transportation Charges	10,000
Total	7,44,000

6. Aggrieved by the same, the Insurance Company has filed the appeal and the claimant has filed the Cross Objections seeking for enhancement of compensation.

7. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the 1st respondent.

8. The main ground that was urged on the side of the appellant Insurance Company is that the claimant was the daughter born to the deceased through the second husband and she was aged about 44 years and there was no proof to show that she was dependent on the income of the claimant and in spite of the same, the Tribunal has fixed the compensation



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under the head of loss of income/dependency. The learned counsel further submitted that the 2nd and 3rd respondents are children born to the deceased through the first husband. It is contended that the Tribunal has not gone into the issue of dependency and has mechanically granted compensation under the head of loss of income. The learned counsel further submitted that the Tribunal has taken into consideration the fact that the 2nd and 3rd respondents were the children born through the first husband and deducted 1/3rd towards the personal expenditure, which is also erroneous.

9.Per contra, the learned counsel for the claimant submitted that the claimant was supported by her mother even though, the claimant was married and the same has been spoken to at the time of evidence. Hence, it is contended that for the accident that took place in the year 2020, the Tribunal had only fixed the monthly notional income at Rs.14,600/- which is on the lower side.

10.In the considered view of this Court, the claimant is admittedly a married daughter, born to the deceased through the second husband. There is nothing on record to show that the claimant was regularly dependent for monetary support from the deceased. When it comes to claiming



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compensation under the head of loss of dependency, it has to be established before the Court that the claimant was actually dependent on the income of the deceased. It is not a matter of presumption. The claimant was married and was living in the matrimonial home and there is no evidence to show that the claimant had a strained relationship in the matrimonial home and was therefore dependent upon the income of the deceased.

11. Apart from the above, the Tribunal has deducted 1/3rd towards personal expenditure of the deceased. The Tribunal probably had taken into consideration the children born through the first husband to the deceased. Once again there is nothing to show that those two children born through the first husband were dependent on the deceased.

12. In view of the above, this Court does not want to entirely set aside the compensation granted under the head of loss of income/dependency. However, this Court is inclined to reduce ½ towards the personal expenditure of the deceased. Accordingly, compensation under the head of loss of income/dependency is calculated as follows:

$$\text{Rs.}14,600 \times 12 \times 5 \times 1/2 = \text{Rs.}4,38,000/-$$



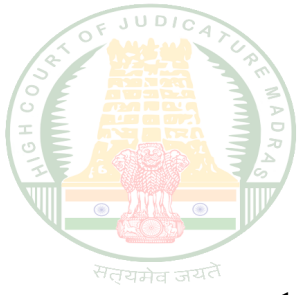
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13.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

14.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.14,600 x 12 x 5 x 1/2	4,38,000
Towards Loss of Estate	15,000
Towards Loss of Consortium (Rs.40,000 (each) x 3)	1,20,000
Towards Funeral Expenses	15,000
Towards Transportation Charges	10,000
Total	5,98,000

15.The compensation awarded by the Tribunal at Rs.7,44,000/- is reduced to Rs.5,98,000/-. The appellant insurance company is directed to deposit the modified 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 weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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16. In the result, the appeal filed by the Insurance Company is partly allowed and the Cross Objection filed by the claimant is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

24.07.2026

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



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



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N. ANAND VENKATESH., J

SSR

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