



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2257 of 2026

1. Lakshmi
W/o.Late Periyasamy
2. Srinivasan
S/o.Late Periyasamy
3. Tamilarasi
D/o.Late Periyasamy
4. Duraisamy
S/o.Veeramuthu

[Cause title accepted *vide* Court order dated
19.01.2026 made in C.M.P.No.31722/2025
in C.M.A.Sr.No.202295/2025 by KGTJ]

..Appellants

Vs

1. S.Venkatesan
S/o.Subramanian
2. M/s.Tata AIG General Insurance
Company Ltd.,
No.356/1, Empire Arcade,
2nd Floor, Omalur Main Road,
Opp. New Bus Stand,
Alagapuram, Salem 636 004.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order dated 01.03.2023 made in MCOP No.1332 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Court, Salem.



WEB COPY

CMA No.2257 of 2



For Appellants : Mr.S.Ramprabhu

For Respondents : *Ex parte* [R1]
Mr.N.Vijayaraghavan [R2]

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special District Court, Salem, passed in M.C.O.P.No.1332 of 2021 dated 01.03.2023, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife, the second claimant is the minor son, the third claimant is the minor daughter and the fourth claimant is the father of the deceased Periyasamy. The case of the claimants is that the deceased was walking at Attur-Salem main road on 02.09.2021 and at about 08.00 p.m., when he was walking near High School towards Bethanaickenpalayam, the offending vehicle, a car, was driven in a rash and negligent manner and dashed against the deceased as a result of which the deceased sustained fatal injuries and met his instantaneous death. A First Information Report came to be registered in Crime No.434 of 2021 against the driver of the offending vehicle. 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 due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income	5,04,000/-
2.	Loss of love and affection	80,000/-
3.	Funeral expenses	25,000/-
		6,09,000/-

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 before this Court by the claimants seeking enhancement of compensation.

4. Heard learned counsel for appellants and learned counsel for second respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. In the case in hand, the Tribunal has fixed the age of the deceased as 61 years based on the Aadhaar Card. However, considering the postmortem



certificate marked as Ex.P2 and the death certificate marked as Ex.P3, it is seen that the actual age of the deceased was only 40 years. In view of the same, the finding of the Tribunal fixing the age of the deceased as 61 years is set aside and the same is fixed as 40 years.

6. The accident had taken place in the year 2021 and the Tribunal has fixed only a sum of Rs.8,000/- as notional monthly income including future prospects. It is certainly on the lower side and hence, this Court is inclined to fix a sum of Rs.18,500/- as the notional monthly income. Accordingly, the compensation under the head 'loss of income' is calculated as follows:

Monthly Income	:	Rs. 18,500/-
Add: 25% future prospects	:	Rs. 4,625/-

		Rs. 23,125/-
Less: Personal expenses (1/4)	:	Rs. 5,781/-

		Rs. 17,344/-
		x 12

Annual income	:	Rs. 2,08,128/-
Multiplier	:	x 15

Loss of income	:	Rs.31,21,920/-

7. The Tribunal has granted only a sum of Rs.80,000/- towards loss of love and affection and this Court is inclined to enhance the same to



Rs.1,60,000/- [40,000 * 4] under the head 'loss of consortium'. The Tribunal has granted a sum of Rs.25,000/- towards funeral expenses and the same is reduced to Rs.15,000/-. This Tribunal has not granted any amount towards loss of estate and transportation and hence, a sum of Rs.15,000/- and Rs.10,000/- respectively is granted under such heads.

8. 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 by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of income	5,04,000/-	31,21,920/-
2.	Loss of love and affection	80,000/-	-
3.	Funeral expenses	25,000/-	15,000/-
4.	Loss of consortium	-	1,60,000/-
5.	Transportation	-	10,000/-
6.	Loss of estate	-	15,000/-
		6,09,000/-	33,21,920/-

9. The compensation awarded by the Tribunal at Rs.6,09,000/- is enhanced to Rs.33,21,920/-. The second 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. On such deposit, the appellants 1 and 2/claimants are entitled to



N.ANAND VENKATESH, J.

gm

withdraw their entire share on due application. Insofar as the enhanced compensation of Rs.27,12,920/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 907 days as was ordered by this Court in C.M.P.No.2510 of 2026 in C.M.A.Sr.No.202295 of 2025 dated 02.07.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants/claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The Motor Accident Claims Tribunal,
Special District Court,
Salem.

Civil Miscellaneous Appeal No.2257 of 2026