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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.3854 of 2025

1.Kalluru Krishnaveni

2.Kalluru Chandra Obula Reddy

..Appellants

.vs.

1.Ashok Manu Bajaj

2.The New India Assurance Company Ltd.,
Motor Third Party Claims,
Bombay Mutual Building,
No.232, NSC Bose Road,
Chennai – 600 001.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, for enhancement of the compensation awarded in the judgment dated 19.08.2025, made in MCOP.No.221 of 2023, on the file of the Motor Accident Claims Tribunal, II Judge Court of Small Causes, Chennai.

For Appellants : Mr.I.Mohan Rao

For Respondents : Mr.S.Dhakshnamoorthi for R2



JUDGMENT

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This appeal has been filed against the Award passed by the MACT, Special Sub Court No.1, Salem, in MCOP No.314 of 2025, dated 09.10.2025, wherein the claimants have sought for enhancement of compensation and also questioning the finding of the Tribunal fixing 20% contributory negligence on the deceased.

2.The claimants are the parents of the deceased Vishnu Varathan Reddy. The case of the claimants is that on 07.11.2022, the deceased was riding a two wheeler along with a pillion rider at ECR Road and was proceeding towards Chennai and at about 01.30 hours, a cow suddenly crossed the road near Nemili Village. As a result of which, both the deceased and the pillion rider fell down and when the deceased stood up, the offending vehicle which was a car and was driven in a rash and negligent manner, dashed against the deceased. As a result of which, he died on the spot. An FIR came to be registered in Crime No.537 of 2022 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.



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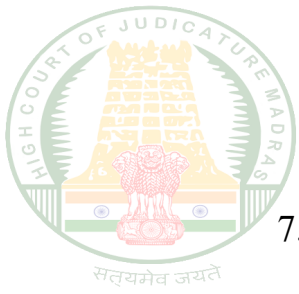
3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that 80% negligence can be attributed to the offending vehicle and 20% contributory negligence was attributed to the deceased.

4.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.25,29,200/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency	24,19,200
Loss of Consortium	80,000
Loss of Estate	15,000
Funeral Expenses	15,000
Total	25,29,200

5.20% was deducted and the balance amount of Rs.20,23,360/- was directed to be paid along with interest at the rate of 7.5% per annum.

6.Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.



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

8. In the case in hand, the parents have lost their only son, who was a bright engineering student studying at SRM University. The College mark sheet have been marked as Exs.P5 and P8, which shows that the deceased was regularly getting high grades. Unfortunately, he died in the accident. The accident had taken place in the year 2022.

9. The Tribunal while fixing the notional monthly income, fixed only a sum of Rs.16,000/- per month. This is certainly on the lower side. This Court is inclined to fix the notional monthly income at Rs.22,500/-. In view of the above, the compensation under the head of loss of dependency is calculated as follows:

$$\text{Rs.31,500/- (Rs.22500/- + Rs.9000/- (40\%))} \times 12 \times 18 \times \frac{1}{2} = \text{Rs.34,02,000/-}$$

10. The Tribunal on appreciation of evidence came to a conclusion that 20% contributory negligence has to be attributed against the deceased. Considering the evidence available on record, this Court is inclined to fix the



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negligence on the car driver as 90% and the contributory negligence on the part of the deceased as 10%.

11.This Court is inclined to enhance the compensation under the head of loss of consortium to Rs.88,000/-, loss of estate to Rs.16,500 and funeral expenses to Rs.16,500/-. This Court is also inclined to fix compensation under the head of transportation charges at Rs.10,000/-.

12.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 dependency	34,02,000
Loss of Consortium	88,000
Loss of Estate	16,500
Funeral Expenses	16,500
Transportation Charges	10,000
Total	35,33,000
After deducting 10% contributory negligence	31,79,700

13.The compensation awarded by the tribunal at Rs.20,23,360/- is enhanced to Rs.31,79,700/-. The second respondent insurance company is

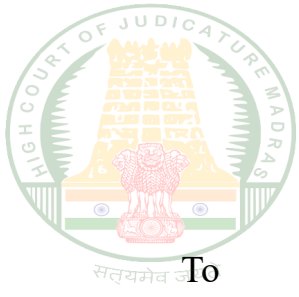


directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

14. 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
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To
The Motor Accident Claims Tribunal, II Judge Court of Small Causes,
Chennai.



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N. ANAND VENKATESH., J

SSR

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