

C.M.A. (MD)No.446 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 14.07.2026

Pronounced on : 24.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.446 of 2009
and
M.P.(MD)No.3 of 2009

M/s.Almighty Matriculation School
No.5, Vaithikadai Street,
Cheranmahadevi,
Tirunelveli District.

... Appellant/
Respondent No.1

Vs.

1.C.Rathinavel Pandian

...Respondent No.1/
Petitioner No.1

2.Mariammal

...Respondent No.2/
Petitioner No.2

3.National Insurance Company Limited,
37, C.S.N. High Road,
Tirunelveli Junction-627001,
represented by its Divisional Manager

...Respondent No.3/
Respondent No.2



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Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Additional District Court, FTC No.II, Tirunelveli in M.C.O.P.No.333 of 2007 dated 04.01.2008.

For Appellant : Mr.D.Sivaraman

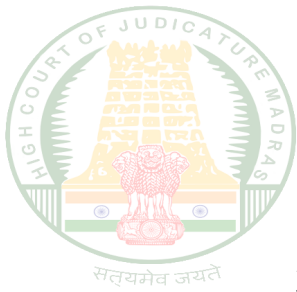
For Respondents : Mr.A.S.Mathialagan for R3

No appearance for R1 & R2

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.333 of 2007 dated 04.01.2008 on the file of the Motor Accident Claims Tribunal / Additional District Court (Fast Track Court No.2), Tirunelveli.

2. The appellant / owner of the offending vehicle, who was mulcted with joint and several liability along with the third respondent / insurer to pay compensation of Rs.3,65,000/- (Rupees Three Lakhs and Sixty Five Thousand only) with interest and costs payable to the respondents 1 and 2/ claimants, for the death of Chidambaradurai, consequent to an accident occurred on 17.11.2006, challenged the liability as well as the quantum of compensation awarded at, by the Tribunal.



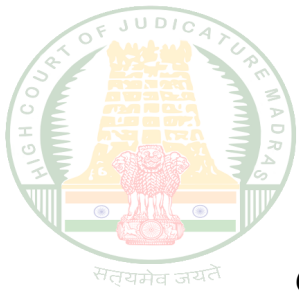
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3. When the appeal was taken up for final hearing, the learned counsel appearing for the appellant submitted that they are not challenging the liability and that they are only questioning the quantum of compensation awarded at, by the Tribunal.

4. It is not in dispute that the Tribunal, by holding that the accident occurred only due to the rash and negligent driving of the appellant's driver, directed the owner of the vehicle and its insurer to pay the compensation as referred above.

5. It is evident from the records that two claim petitions came to be filed in M.C.O.P.Nos.333 of 2007 and 396 of 2007 seeking compensation for the death of two young persons including the said Chidambaradurai and after joint trial, a common order dated 04.01.2008 came to be passed. Challenging the same, the appellant / owner of the vehicle preferred two appeals in C.M.A.(MD)Nos.446 of 2009 and 447 of 2009 and that this Court vide judgment dated 18.01.2010 has already disposed of the appeal in C.M.A.(MD)No.447 of 2009.



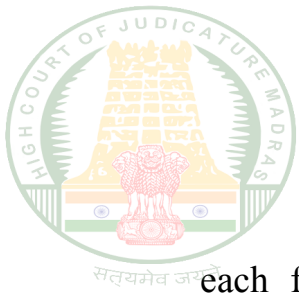
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6. The learned counsel appearing for the appellant would submit that this Court, in C.M.A.(MD)No.447 of 2009, has reduced the compensation and that the present appeal may also be disposed of on the same lines. The learned counsel appearing for the third respondent also fairly conceded to the said submission.

7. In M.C.O.P.No.333 of 2007, considering the evidence available on record, the Tribunal fixed the age of the deceased as 17 years and taking note of the fact that he was studying 10th standard at that time, fixed the notional monthly income at Rs.2,500/- and granted a sum of Rs.3,20,000/- towards loss of dependency. The Tribunal has also awarded Rs.15,000/- each for loss of love and affection, Rs.3,000/- for funeral expenses, Rs.2,000/- for transport expenses and Rs.10,000/- for loss of estate, totalling Rs.3,65,000/-.

8. In the connected case in M.C.O.P.No.396 of 2007, the Tribunal fixed the notional monthly income of the deceased, who was also aged 17 years at that time, at Rs.2,500/- and granted a sum of Rs.3,00,000/- towards loss of dependency. The Tribunal has further awarded Rs.15,000/-



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each for loss of love and affection, Rs.3,000/- for funeral expenses, Rs.2,000/- for transport expenses and Rs.10,000/- for loss of estate, totalling Rs.3,45,000/-. This Court, in C.M.A.(MD)No.447 of 2009, by referring to the judgment of the Hon'ble Supreme Court in **2004 TNMAC 262 (SC) (Manju Devi's case)**, has held that the income fixed at Rs.30,000/- and the multiplier adopted are not correct and proceeded to award Rs.2,25,000/- towards loss of pecuniary benefits to the parents and also granted Rs.30,000/- for loss of love and affection, Rs.2,000/- for transport expenses, Rs.3,000/- for funeral expenses and Rs.10,000/- for loss of estate, totalling Rs.2,70,000/-.

9. In the present case, as already pointed out, the Tribunal has awarded Rs.3,20,000/- for loss of pecuniary benefits to the parents. Considering the facts and circumstances and also taking note of the decision of this Court in C.M.A.(MD)No.447 of 2009, this Court is inclined to grant a sum of Rs.2,45,000/- for loss of pecuniary benefits to the parents and to confirm the amounts awarded under the other heads. Accordingly, the respondents 1 and 2 / claimants are entitled to get total compensation of Rs.2,90,000/-.



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10. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs.

11. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.3,65,000/- (Rupees Three Lakhs and Sixty Five Thousand only) is hereby reduced to **Rs.2,90,000/- (Rupees Two Lakhs and Ninety Thousand only)**. The appellant and the third respondent are directed to deposit the modified award amount with interest and costs jointly and severally from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.333 of 2007 on the file of the Motor Accident Claims Tribunal / Additional District Court (Fast Track Court No.2), Tirunelveli, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. Out of the said compensation amount, the respondents 1 and 2 / claimants are entitled to get Rs.1,45,000/- (Rupees One Lakh and Forty Five Thousand only) each. On such deposit, the respondents 1 and 2 / claimants are permitted to withdraw their shares as per the apportionment fixed by



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this Court along with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. If the amount was already deposited by the appellant and the third respondent, the balance amount shall be withdrawn by them. The parties shall bear their own costs. Consequently, connected Miscellaneous Petition is closed.

24.07.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Additional District Judge,
Fast Track Court No.2,
Motor Accident Claims Tribunal,
Tirunelveli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Judgment made in
C.M.A.(MD)No.446 of 2009
and
M.P.(MD)No.3 of 2009

Dated : 24.07.2026