

C.M.A.(MD)No.1817 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 15.04.2026

Pronounced on : 25.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.1817 of 2013

1.Rajangam

2.Seetha Devi

3.Gunasundari

... Appellants/
Petitioners

Vs.

1.R.Sundari

2.M/s.ICICI Lombord General Insurance
Co. Ltd.,
Madurai
represented by its Manager

... Respondents/
Respondents

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the compensation granted in the fair and decretal order dated 15.03.2011 made in M.C.O.P.No.172 of 2008 on the file of Motor Accident Claims Tribunal (District Judge), Sivagangai, allow this appeal.



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For Appellants : Mr.K.C.Ramalingam

For Respondents : Mr.P.Pethu Rajesh for R2

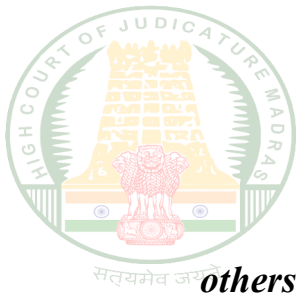
No appearance for R1

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.172 of 2008 dated 15.03.2011 on the file of the Motor Accident Claims Tribunal / District Court, Sivagangai.

2. The appellants / claimants, who were awarded with compensation of Rs.4,67,000/- (Rupees Four Lakhs and Sixty Seven Thousand only) with interest at 7.5% per annum and costs payable by the respondents jointly and severely for the death of Thennarasu, consequent to an accident occurred on 08.10.2007, challenged the quantum of compensation awarded at, by the Tribunal and claimed enhancement of the same.

3. The learned counsel appearing for the appellants would mainly contend that compensation has to be computed on the basis of the principles laid down by the Hon'ble Supreme Court in *Sarla Verma and*

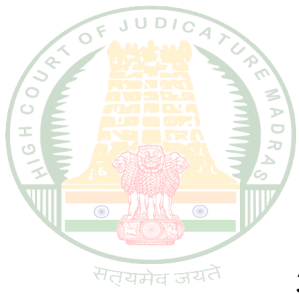


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others Vs. Delhi Transport Corporation and another reported in *AIR 2009 SC 3104*. He would further submit that the Tribunal has applied the multiplier on the basis of the age of the parents of the deceased and not on the basis of the deceased's age, that the deceased was a student of Master of Computer Application and the Tribunal, without considering the same, has fixed the meagre notional monthly income of Rs.5,000/-, that awarding Rs.5,000/- only for each of the appellants towards loss of love and affection is on lesser side and that therefore, the compensation awarded by the Tribunal is liable to be enhanced.

4. The learned counsel appearing for the second respondent would submit that the accident in the present case occurred on 08.10.2007 but the Hon'ble Supreme Court pronounced the judgment in *Sarla Verma's* case on 15.04.2009, that the Tribunal has applied the principles then applicable and that therefore compensation cannot be computed on the basis of the judgment pronounced subsequently. He would further submit that the second respondent filed an appeal in C.M.A.(MD)No.965 of 2014 and the same was dismissed as withdrawn on 19.11.2014 and that therefore, there is nothing to interfere with the impugned award passed by the Tribunal.

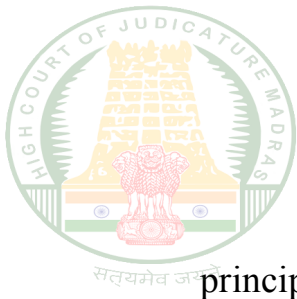


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5. No doubt, the decision in ***Sarla Verma's*** case was rendered subsequent to the date of the accident in the present case, but prior to the passing of the award by the Tribunal. As rightly contended by the learned counsel appearing for the appellants, they are not asking for applying any new law, which came into force subsequent to the accident or to apply the law laid down by the Hon'ble Supreme Court subsequent to the accident.

6. As rightly contended by the learned counsel appearing for the appellants, it is pertinent to note that the Hon'ble Supreme Court in ***Sarla Verma's*** case has laid down the principles regarding the multiplier, deductions towards personal and living expenses and standardization of compensation. Moreover, the judgment in ***Sarla Verma's*** case did not create any new substantive right but only standardized the method of computing compensation under the Motor Vehicles Act. The principles laid down in ***Sarla Verma*** were subsequently approved by the larger Bench of the Hon'ble Supreme Court in ***Reshma Kumari v. Madan Mohan***, reported in (2013) 9 SCC 65, and were further reaffirmed by the Constitution Bench in ***National Insurance Company Limited v. Pranay Sethi and others***, reported in 2017 (2) TN MAC 609 (SC). Therefore, the



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principles laid down in *Sarla Verma* are applicable to all pending proceedings, irrespective of the date of the accident.

7. Considering the above, it can safely be inferred that even in respect of accidents that occurred prior to the pronouncement of the judgment in *Sarla Verma's* case, the principles laid down therein can very well be applied. Hence, this Court has no hesitation in holding that in a pending appeal, the appellate Court is certainly entitled to apply the settled principles governing multiplier, deductions for personal and living expenses, addition towards future prospects and conventional heads.

8. In the present case, the Tribunal, taking note of the age of the mother of the deceased as 55 years, applied the multiplier of 11. But considering the evidence of P.W.1 and Ex.P2 postmortem certificate, this Court fixes the age of the deceased at 24 years as on the accident of accident.

9. It is the specific case of the appellants that the deceased was doing 1st year of the Master of Computer Application (MCA) at Ganapathy

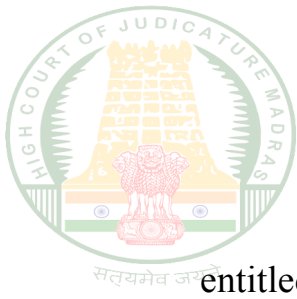


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Seethaiammal College at Rajagambiram. Considering the evidence available on record and also taking note of the fact that he was doing 1st year MCA, the Tribunal fixed the notional monthly income at Rs.5,000/- and the same cannot be found fault with. Applying the decision of the Hon'ble Supreme Court in **Pranay Sethi's** case, 40% of the income is to be added towards future prospects and on such addition, the monthly income works out to Rs.7,000/- (Rs.5,000/- + Rs.2,000/- (40% of the income)). The Tribunal deducted 1/3rd of the income towards personal and living expenses of the deceased. As per the dictum in **Sarla Verma's** case, since the deceased was a bachelor, 50% of the income is liable to be deducted towards his personal and living expenses and on such deduction, it comes to Rs.3,500/- {Rs.7,000/- - Rs.3,500/-}. Considering the age of the deceased, the appropriate multiplier would be 18. Accordingly, the compensation towards loss of dependency is assessed at Rs.7,56,000/- (Rs.3,500/- x 18 x 12).

10. The Tribunal has awarded Rs.5,000/- each to the appellants towards loss of love and affection and Rs.10,000/- towards funeral expenses. The appellants 1 and 2 being the parents of the deceased are



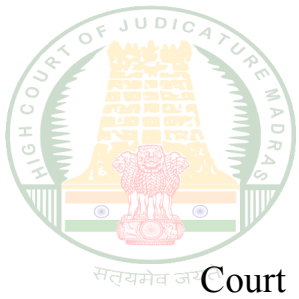
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entitled to get Rs.40,000/- each towards loss of filial consortium. As per the legal dictum laid down by the Hon'ble Supreme Court in *Sarla Verma's* case, the appellants are entitled to get Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate under the conventional heads, all totalling Rs.8,66,000/- and the compensation awarded by the Tribunal is modified as follows:-

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1.	Loss of dependency	4,40,000	7,56,000	Enhanced
2.	Loss of love and affection	15,000	Nil	Nil
3.	Filial Consortium	Nil	40,000 x 2 = 80,000	Granted
4.	Funeral expenses	10,000	15,000	Enhanced
5.	Loss of estate	Nil	15,000	Granted
6.	Transport charges	2,000	Nil	Nil
	Total	4,67,000	8,66,000	Enhanced by Rs.3,99,000/-

11. Considering the other facts and circumstances of the case, this

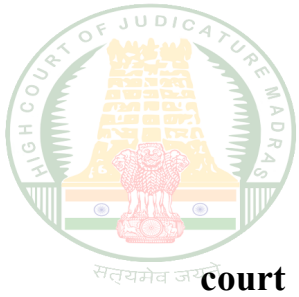


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costs.

Court further decides that the parties are to be directed to bear their own costs.

12. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.4,67,000/- is hereby enhanced to **Rs.8,66,000/- (Rupees Eight Lakhs and Sixty Six Thousand only)** together with interest at 7.5% per annum and costs. The respondents are directed to deposit the modified enhanced amount with interest at 7.5% per annum from the date of petition till the date of realization jointly and severally excluding the default period to the credit of M.C.O.P.No.172 of 2008 on the file of the Motor Accident Claims Tribunal / District Court, Sivagangai, 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. On such deposit, out of the compensation amount, the first appellant / first claimant is entitled to get **Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only)**, the second appellant / second claimant is entitled to get **Rs.4,66,000/- (Rupees Four Lakhs and Sixty Six Thousand only)** and the third appellant / third claimant is entitled to get **Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only)**. Parties are directed to bear their own costs. The appellants are **directed to pay the**



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court fee for the enhanced compensation, if any, and the Registry is directed to draft the decree only after the payment of Court fee.

25.06.2026

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

To

- 1.The District Judge,
Motor Accident Claims Tribunal,
Sivagangai.
- 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.1817 of 2013**

Dated : 25.06.2026