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CMA No. 93 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 93 of 2025

1. K. Venkateswarlu @ Venkateswara
Reddy

2.K.Venkataravanamma

Appellants

Vs

1. Bikkam Srinu

2.HDFC Ergo General Insurance Co.
Ltd.

Motor Third Party Claims, old NO.528,
New No.519, Anna Salai, Teynampet,
chennai-600018

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this CMA by enhancing the compensation awarded in the Fair and Decretal order dt. 10.04.2024 passed in MCOP No.6920/2017 on the file of the Special Sub Judge No.II, (Motor Accidents Claims Tribunal) Court of Small Causes, at Chennai



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For Appellants: Mr. Amar Dineshbhai Pandiya

For Respondents: Mrs. E.Harini for
M/s. M.B Gopalan Associates for R2
R1 - Tapal Not Yet Returned Either
Served Or Unserved

JUDGEMENT

Challenging the impugned award passed by the tribunal in MCOP.No.6920 of 2017, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The petitioners are father and mother of deceased Kirankumar. The case of the petitioners is that on 07.05.2017 at about 22.00 hrs, when the deceased was traveling in a car bearing Regn.No.AP-26 TV-2344 driven by Udayakumar on Nellore Mumbai road near Atmakur Engineering College, at that time, the driver of a tractor and trailer bearing Regn. No.AP-26 TC-9310, 9311, driven it in a rash and negligent manner with full load of rice bags extending outside, due to which the car collided with the trailer. Due to which, the deceased and another one person in the car sustained heavy injuries and died. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.27,00,000/-.



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 only due to the rash and negligent driving on the part of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.18,23,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	17,13,500
2.	Loss of consortium	80,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Medical expenses	nil
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	18,23,500

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellants would argue that the accident was happened in the year 2017 and he was working as M.P.E.O. in Agricultural Department, Andhra Pradesh and earned a sum of Rs.18,000/- per month and to that effect, the ID card of deceased as marked as Ex.P9, but without considering



the cost of living at that time, the tribunal had fixed the notional income as Rs.12000/-. Hence, they prayed for enhancement of compensation.

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6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 27 years and considering his age as well as the prevailed working atmosphere, the tribunal has rightly fixed the monthly notional income as Rs.12,000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2017 and the deceased worked as M.P.E.O. in Agricultural Department, Andhra Pradesh, thereby he has earned a sum of Rs.18,000/- per month. Therefore, this Court is inclined to enhance the notional income of the deceased Kirankumar from Rs.12,000/- to Rs.16000/- on considering cost of living of that period. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

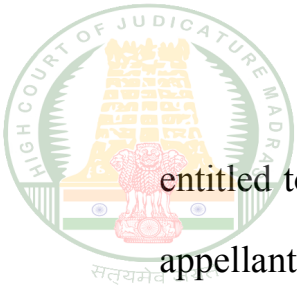
9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of dependency Rs.16,000/- (add 40% future prospects) = 16000 + 6400 =22400 22400 x 12 x 17 (multiplier) = 45,69,600 – 1/2 = 22,84,800	17,13,500	22,84,800	enhanced
2.	Loss of consortium	80,000	80,000	confirmed
3.	Loss of estate	15,000	15,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Medical expenses	nil	nil	confirmed
	Total	18,23,500	23,94,800	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.18,23,500/- is enhanced to Rs.23,94,800/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. 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 eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 2 are



entitled to share the amount proportionately as ordered by the Tribunal and the appellants 1 and 2 are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.

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

09-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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