



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1755 of 2025

1.M.Anjalai
2.M.Dinesh
3.M.Deepa
4.P.Arjunan

...Appellants

Vs

1.S. Parthiban
2.Royal Sundaram General Insurance Co.LTd.,
Legal Department
Subramaniam Building, 2nd floor
No.1, Club House Road,
Anna Salai, Chennai 6600 002.

..Respondents

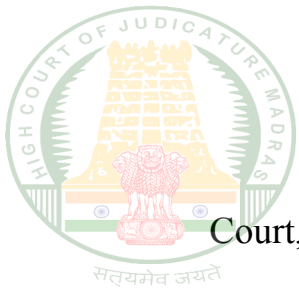
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.5482 of 2021 dated 14.06.2024 on the file of Motor Accident Claims Tribunal, III Judge, Small Causes Court, Chennai

For Appellants : Mr.P.T.Saleem Fathima
For Respondents: Served -No appearance for R2

1

J U D G M E N T

This appeal has been filed by the appellants/claimants seeking enhancement of compensation under the impugned award dated 14.06.2024 passed by the Motor Accident Claims Tribunal III Judge, Small Causes



Court, Chennai, in MCOP.No. 5482 of 2021.

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2.The brief facts of the case are as follows:

On 21.09.2021 at about 19.30 hours, when the deceased was rider of the motor cycle bearing Regn.No.TN-19-AK-6324, proceeding near railway LC Gate 47, Singaperumal Koil, Chengalpattu District, a Tanker Lorry bearing Regn.No.TN-28-L-7762 proceeding from the same direction with heavy load of jelly stones, suddenly the back side left wheel of the lorry burst due to which the bursted tyre pieces along with jelly stones laid on the railway track strongly throw on the left side forehead of the deceased due to which the deceased fell down and sustained head and multiple injuries all over the body. The deceased died on the way to the hospital. Claiming that the driver of the lorry is responsible for the accident, the appellants/claimants have filed a claim petition before the Tribunal claiming a sum of Rs.40,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.23,83,750/- with interest at 7.5% per annum from the date of filing of claim petition till the date of realization with costs.

3. The appellants/claimants, unsatisfied with the quantum of



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compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.

4. Heard the learned counsel for the appellants and perused the materials available on record.

5. The learned counsel appearing for the Appellants/Claimants submitted that the Tribunal failed to consider the evidence of PW1/appellant in respect of age, occupation and monthly income of the deceased. It ought to have fixed higher income considering the year of accident, fluctuations in price index, age, occupation and monthly income of the deceased and it ought to have fixed the monthly income of the deceased at Rs.25,000/- It also ought to have awarded higher amount for loss of love and affection, considering the age of the father and unmarried daughter. Hence, he prayed to enhance the compensation.

6. Though notice was issued to the second respondent, none appeared on their behalf.

7. Per contra, the learned counsel appearing for the second



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respondent/Insurance Company has submitted that the compensation claimed by the appellant is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellant/claimant and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

8. On perusal of records, it is seen that due to the said accident, deceased sustained fatal injuries and he died on the same day itself on the way to the hospital. It is stated that the deceased was a farmer and was earning Rs.20,000/-. However, no oral or documentary evidence produced to prove the same.

9. Considering the fact that the accident is of the year 2021, cost of living at that point of time and the deceased was working as a farmer, he would have considerably earned a sum of Rs.600/- per day, hence, this court is inclined to fix Rs.18,000p.m., (600 x 30) as his monthly income. Since the age of the deceased was 28 at the time of death, 13 multiplier will be adopted for calculating loss of dependency. Hence, this court is inclined to



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enhance his loss of dependency as **Rs.26,32,500/-** ($18000 + 25\% = 4500$;
 $18000 - 4500 = 22500$; $22500 \times 12 = 270000$; $270000 - 1/4 = 67500$; $270000 -$
 $67500 = 202500$; $202500 \times 13 = 26,32,500/-$)

10. Loss of consortium granted by the Tribunal seems to be on lower side. Hence, this court is inclined to award Rs.44,000/- to each of the petitioner. Thus a sum of ($Rs.44000 \times 4 = 176000$) Rs.176000/- is fixed towards loss of consortium.

11. In respect of other heads, the Tribunal has granted a just and fair compensation and hence, they do not call for any interference of this court and the same remains unaltered.

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

<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Loss of dependency	21,93,750/-	26,32,500/-
2.	Loss of consortium	1,60,000/-	1,76,000/-
3.	Loss of Estate	15,000/-	15,000/-



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<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
4.	Funeral Expenses	15,000/-	15,000/-
5.	Total	23,83,750/-	28,38,500/-

13. Thus, the appellants/claimants are entitled to the enhanced compensation of Rs.28,38,500/- (Rupees Twenty Eight Lakhs Thirty Eight Thousand and Five Hundred only).

14. The Civil Miscellaneous Appeal is partly allowed. No costs.

15. The second respondent is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants/claimants are permitted to withdraw the enhanced award amount, in the same ratio as apportioned by the Tribunal, by filing necessary applications before the Tribunal. Other aspects of the order of the Tribunal remains unaltered.

16. Since the compensation amount now enhanced is Rs.28,38,500/- it



is made clear that the appellants/claimants have to pay the appropriate Court fee in order to receive the enhanced award amount.

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Index : Yes/No
Internet : Yes/No
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To

- 1.The Motor Accident Claims Tribunal
III Judge, Small Causes Court, Chennai
- 2.The Section Officer,
VR Section, High Court, Madras.

T.V.THAMILSELVI.,J
gv



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