



C.M.A.No.110 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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1.Ananthi

2.Minor.Soundarya

3.Minor.Vishnu

*(2nd and 3rd minor petitioners are rep. by their mother
Ananthi and Natural Guardian and Next Friend)*

4.Muniyammal

5.Perumal

...Appellants

Vs.

1.U.Prabakaran

2.ICICI Lombard General Insurance Co. Ltd.,

T.P.Cell:No.83/84, 2nd Floor,

Wall Tax Road,

Chennai – 600 003.

...Respondents



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Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award dated 09.09.2024 and made in M.C.O.P.No.488 of 2024 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claim Petitions) Small Causes Court, Chennai.

For Appellants : Mr.D.Poovannan

For Respondents : R1 – No appearance
Mr.J.Michael Visuvasam for R2

J U D G M E N T

This appeal is filed by the appellants challenging Award dated 09.09.2024 made in M.C.O.P.No.488 of 2024 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claim Petitions) Small Causes Court, Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.



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3.The petitioners are the claimants, the first respondent is the owner of the vehicle and the second respondent is the Insurance Company before the Tribunal.

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

On 30.09.2023 at about 21.30 hours, when the petitioner was a pedestrian at GST Road, Opposite to Navinesh Coffee Shop, Sirungallur Junction, at that time, a car bearing Registration No.TN 05 BS 4488 driven by its driver in a rash and negligent manner and dashed the deceased. Due to the accident, the petitioner sustained multiple grievous injuries all over the body and died on the spot. The petitioners filed a claim petition before the Tribunal in M.C.O.P.No.488 of 2024, the Tribunal awarded a sum of Rs.27,86,500/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellants submitted that the appellant was working as a Tea Master and earning Rs.1,500/- per day but the Tribunal fixed the notional income of the appellant at Rs.13,500/-



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is not sustainable and the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent raised objection for allowing this appeal submitted that without income proof, the Tribunal fixed Rs.13,500/- per month as notional income of the deceased, the compensation awarded by the Tribunal is reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellants, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the first petitioner was examined as PW1, Mr.Ilaiyavel was examined as PW2 and on the side of the petitioners, 16 documents were marked as Exs.P1 to P16. On the side of the respondents, no witness was examined and no document was marked.



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9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.25,51,500/- for loss of dependency, Rs.2,00,000/- for loss of consortium, Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses, Rs.5,000/- for transportation charges and arrived at a total compensation of Rs.27,86,500/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 38 years and was working as a Tea Master at the time of the accident.

11.The amount awarded under the head loss of dependency, loss of consortium, loss of estate, funeral expenses and transport charges, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount under the said heads. Accordingly, the amount awarded under the head loss of dependency is enhanced to Rs.34,02,000/- from Rs.25,51,500/-. Accordingly, the amount awarded under the head loss of consortium is enhanced to Rs.2,20,000/- from Rs.2,00,000/-. Accordingly, the amount awarded under the head loss of estate is



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enhanced to Rs.16,500/- from Rs.15,000/-. Accordingly, the amount awarded under the head funeral expenses is enhanced to Rs.16,500/- from Rs.15,000/-. Accordingly, the amount awarded under the head transport charges is enhanced to Rs.15,000/- from Rs.5,000/-.

12.Considering the fact that the appellant died in the accident and the submission made by the learned counsel for the appellants, this Court is inclined to fix Rs.18,000/- as notional income of the deceased as well as 40% future prospects, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

(Rs.600/- per day x 30 days = Rs.18,000/- + 40% future prospects
=Rs.7,200/-; Rs.18,000/- + Rs.7,200/- = Rs.25,200/- x 12 x 15
=Rs.45,36,000/- - 1/4 deduction = Rs.34,02,000/-)

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Loss of dependency	25,51,500/-	34,02,000/-
2	Loss of consortium	2,00,000/-	2,20,000/-
3	Loss of estate	15,000/-	16,500/-
4	Funeral expenses	15,000/-	16,500/-



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S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
5	Transportation charges	5,000/-	15,000/-
	Total	27,86,500/-	36,70,000/-

13.The appellants/claimants are entitled to total compensation of Rs.36,70,000/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

14.The judgment and decree passed by the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai in M.C.O.P.No.488 of 2024 dated 09.09.2024 is modified to the above extent.

15.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount, before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondents/claimants 1, 3 and 5 are



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permitted to withdraw their respective share along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal. If the appellants 2 & 3/claimants 2 & 3 are still minor, thier share shall be kept in an interest yielding fixed deposit with anyone of the Nationalized Bank, initially, for a period of three years to be renewed at periodic intervals until they attain majority and the interest derived from out of the said share of the minors shall be paid to the first appellant/mother every quarter to be utilized for the welfare of the said minors. The other directions issued by the Tribunal with regard to the mode of payment of compensation and apportionment remain unaltered.

16.The appellants/claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellants/claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court,



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Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellants/claimants.

17.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1.The Motor Accidents Claims Tribunal,
(Special Sub Court No.1, Motor Accidents Claims Petitions)
Small Causes Court, Chennai.

2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.
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