IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.834 of 2024

1. Mrs.Mamata Manarji Mohanty
2.Minor Alisa Mohanty
3. Minor Archita Mohanty
4. Mr. Bishnu Charan Mohanty ... Appellants

Vs.

1. Stanson Rubber Products
No.2, Melayanambakkam Road,
Sri Devi Karumariamman Nagar,
Ayambakkam, Chennai – 600 095

2. The New India Insurance Company Limited,
L.I.C. Buildings, 6th Floor,
N.S.C. Bose Road, parrys,
Chennai – 600 001 ... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the amount awarded in M.C.O.P.No.1921 of 2019 dated 11.01.2023 on the file of Motor Accident Claims Tribunal, (II Judge, Court of Small Causes) Chennai as prayed for with interest and cost.

For Appellants : Mr.K. Varadha Kamaraj

For Respondent-2 : Mr.J. Jayaraman

JUDGMENT

The appellants have filed this appeal to enhance the amount awarded in M.C.O.P.No.1921 of 2019 dated 11.01.2023 on the file of Motor Accident Claims Tribunal, (II Judge, Court of Small Causes) Chennai as prayed for with interest and cost.

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

On 17.02.2019 at 4:45 p.m when the deceased was walking in Vanagaram road a car bearing Registration No.TN 12 P 1878 came in a rash and negligent manner and dashed against the deceased. As a result of which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the legal heirs of the deceased has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.30,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.17,21,000/- as compensation, directed the second respondent to pay

the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation and recover the same from the first respondent.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal has not considered the age, occupation and income of the deceased and awarded the compensation. He further submitted that the amount awarded under all the heads are very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.57,12,000/- under the head loss of dependency; Rs.1,76,000/- under the head Loss of Consortium; Rs.16,500/- each under the head for loss of estate and funeral expenses. Thus the total compensation is arrived at Rs.17,21,000/- .

9. Considering the occupation of the deceased this Court is of the view that the deceased would be earning Rs.15,000/- per month. As per the decision rendered in the case of ***National Insurance Co. vs Pranay sethi and others,*** reported in ***2017 (2) TNMAC 601*** 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the respondents, who are her legal heirs. Considering the age of the deceased 1/4 of the income is to be deducted towards the deceased's personal expenses. As per the decision rendered in ***Sarla Verma and others vs. Delhi Transport Corporation and another,*** reported in ***(2009) 6 SCC 121,*** the proper multiplier to be adopted in the instance case is 15.

<u>Calculation</u>

Monthly Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000/-

After 1/4 deduction = 21,000 – 5,250 = Rs.15,750/-

<u>Loss of dependency</u>

= Rs.15,750 x 12 x 15

= Rs.28,35,000/-. With regard to loss of estate and funeral expenses the same is enhanced to Rs.16,500/- each. The compensation awarded all other heads remains the same.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	**Heads**	**Amount (in Rs.) awarded by the Tribunal**	**Amount (in Rs.) awarded by the High Court**
1.	Loss of Dependency	15,12,000/-	**28,35,000/-**
2.	Loss of Consortium	1,76,000/-	1,76,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral Expenses	16,500/-	16,500/-
	Total	**Rs.17,21,000/-**	**Rs.30,44,000/-**

Thus, the compensation awarded by the Tribunal is enhanced from

Rs.17,21,000/-to Rs.30,44,000/-, which shall carry interest at the rate of 7.5% per annum.

11. **In the result:**

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.17,21,000/-to Rs.30,44,000/-**,

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent is directed to deposit the enhanced compensation amount, i.e., **Rs.30,44,000/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.1921 of 2019 dated 11.01.2023 on the file of Motor Accident Claims Tribunal, (II Judge, Court of Small Causes) Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order and recover from the first respondent as per the order passed by the Tribunal.

v. On such deposit being made, the appellants/claimants is at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal, after following due process of law.

vi. The second and third appellants being minor, are directed to have her respective shares of the award amount invested in any one of the Nationalized Banks under a Fixed Deposit Scheme initially **for a period of three years** which shall be renewed periodically until they attain majority. The 1st appellant/1st claimant, being the natural guardian of the minor claimant, is permitted to withdraw the interest accrued thereon **once in three months,** and the same shall be utilized for the welfare of the minor claimants.

vii. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

25.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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T.V.THAMILSELVI, J.

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To

1. The Additional District Judge, Motor Accident Claims Tribunal, Tiruvannamalai

2. The Manager, ICICI Lombard General Insurance Company Limited,
situated at No.1/D Chottabai Street,
Opposite to Land Mark Book stall,
Nungambakkam, Chennai - 6

3. The Section Officer, V.R. Section, High Court of Madras.

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