



CMA No. 1603 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1603 of 2025

AND

CMP NO. 14132 OF 2025

1. The Director General Of Police
Dr. Radhakrishnan Salai Road,
Mylapore, Chennai, Tamil Nadu.

2.The Inspector Of Police
Olakkur Police Station,
Villupuram.

3. The Superintendent Of Police,
Villupuram.

Appellant(s)

Vs

1. MUTHULAKSHMI
W/o Jayaraman

2.KALAVATHI
D/o Jayaraman



CMA No. 1603 of 2025



Respondent(s)

CMA No. 1603 of 2025

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PRAYER

To set aside the Judgement and Decree passed by the Honble Motor Accident Claims Tribunal/Special District Court, Villupuram in MCOP.No. 549/2019 vide order dated 16.08.2022 and thus render justice

CMA No. 1603 of 2025

For Appellant(s): Mr.C.Sathish Govt.Advocate

For Respondent(s): M/s.M.Lokesh For R1 and R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the Judgement and Decree passed by the Motor Accident Claims Tribunal/Special District Court, Villupuram(in short "tribunal") in MCOP. No. 549/2019 vide order dated 16.08.2022.

2. On 30.07.2018 at about 03.15 p.m., when the deceased Ramesh was trying to cross the Tindivanam – Chennai Main Road, at Olakur Road, at that time Bolero bearing registration No. TN 46 G 0258 driven by its driver in a rash and negligent manner dashed against the deceased Ramesh, due to which, he sustained greivous injuries and died in the hospital. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The respondents



contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs.15,43,000/- as compensation.

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Challenging the quantum of compensation, the appellants filed this appeal.

3.The learned Government Advocate appeared for the appellants submit that without following the procedure the tribunal has fixed excessive compensation as such is liable to be set aside. Hence, he prays to set aside the award passed by the tribunal.

4. The learned counsel for the claimants submit that the deceased was aged about about 25 years at the time of the accident and also accident was happened in the year 2018. However, the tribunal has fixed only Rs.10,000/- as notional income of the deceased without considering the cost of living at the time of the accident. Hence, he prays to enhance the compensation. Further, he submits that in the interest of justice, this Court is empowered to enhance compensation in the absence of any cross appeal to that effect he relied the judgment of this Court reported in 2011(4) CTC 68 in the case of The Managing



Director, Tamil Nadu State Transport Corporation Vs. S.Gouselya and others.

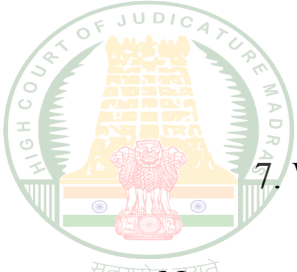
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5. On perusal of the records, it reveals that tribunal has fixed the compensation by following all the procedures. However, the tribunal has not fixed the notional income of the deceased. As per Order 41 Rule 33 of CPC, this Court is empowered to enhance the compensation even if a party who benefits from the order is not filed an appeal or objection. Considering the facts of the case, the accident was happened in the year 2018 and also without considering the cost of living at the time of the accident the tribunal has fixed only Rs.10,000/- as notional income which is very meagre. Hence, this Court is inclined to enhance the notional income of the deceased from Rs.10,000/- to Rs.15,000/-. The deceased is aged about 30 years at the time of the accident. Hence, 18 multiplier is applicable to this case. Accordingly, the claimant is entitled to Rs. 22,68,000/-[15,000+6000= 21000{21,000x12x18-(1/2)}].Except above modification, the award passed by the tribunal in other heads remain unchanged.



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.14,28,000/-	Rs.22,68,000/-
2.	Loss of estate	Rs.80,000/-	Rs.80,000/-
3.	Loss of clothes	Rs.15,000/-	Rs.15,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.5,000/-	Rs.5,000/-
	Total	Rs.15,43,000/-	Rs.23,83,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.23,83,000/-. The appellant is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of in MCOP.No. 549/2019, on the file of the Motor Accident Claims Tribunal/Special District Court, Villupuram, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the respondent/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The appellant may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).



7. With the above direction, the Civil Miscellaneous Appeal is dispose of.

No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Director General Of Police

Dr. Radhakrishnan Salai Road, Mylapore, Chennai, Tamil Nadu.

2. The The Motor Accident Claims Tribunal/Special District Court, Villupuram.

3. .The Inspector Of Police

Olakkur Police Station,

Villupuram.

4. The Superintendent Of Police,

Villupuram.

5. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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