



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.1543 of 2025

1.Pushpalatha

2.Sushimitha

3.Ravikumar

...Appellants

Vs

1.Srinivas

(R1 remained exparte before the Tribunal)

2.The Divisional Manager,

The New India Assurance Company Limited,

No.106, First Floor, Periya Street, Thiruvannamalai

(Policy No.980000307721621 21-04-2019 to 20-04-2020)

3.The Divisional Manager,

The New India Assurance Company Limited,

No.1, Commercial Complex, CSI Building, Second Floor,

Office Line, Krishna Nagar, Vellore 632 001

..Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MACTOP.No.864 of 2022 dated 22.09.2023 on the file of Motor Accident Claims Tribunal, (Additional District Judge, Tiruvannamalai)

For Appellants : Mr.F.Terry Chella Raja

For Respondents:No appearance for R2 & R3

Notice returned with endorsement

'no such person' - R1



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JUDGMENT

This appeal has been filed by the appellants/claimants seeking enhancement of compensation under the impugned award dated 22.09.2023 passed by the Motor Accident Claims Tribunal (Additional District Judge, Tiruvannamalai) in MACTOP.No. 864 of 2022.

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

On 02.08.2019 at about 06.30 hours, the deceased Sampathkumar, while travelling from Bangalore to Gingee, as an inmate in the Maruti Omni car, bearing Regn.No.KA-41-MA-4690, driven by the first respondent/owner of the car, proceeding near Pallapadi Village, dashed against the bus stop, due to which, the deceased sustained fatal injuries. Immediately he was taken to the Hospital, but he died on the same day at 9.00 hours. Claiming that the driver of the car is responsible for the accident, the appellants/claimants have filed a claim petition before the Tribunal claiming a sum of Rs.50,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.17,04,930/- with interest at 7.5% per annum from the date of numbering the petition till the date of realization with costs.



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3. The appellants/claimants, unsatisfied with the quantum of 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 deceased worked as a security in a private concern and earned about more than Rs.25,000/- per month in the year 2019 whereas the Tribunal fixed the notional income of the deceased as Rs.11,000/- per month. The Tribunal has not considered that the deceased was the only bread winner of the family. The Tribunal ought to award more compensation under the heads of loss of dependency, loss of love and affection, loss of estate and funeral expenses. The Tribunal ought to fix more percentage of income under the head of future prospects and dependency of the deceased. The Tribunal failed to award compensation under the head of loss of consortium both spouse and parental, transport expenses, pain and sufferings, medical expenses, damages, mental agony and loss of



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expectation of life and it failed to apply the proper multiplier. Hence, he prayed to enhance the compensation.

6. The first respondent remained exparte before the Tribunal and notice sent to her returned with an endorsement, 'no such person'. Though notices were issued to the respondents 2 and 3, none appeared on their behalf.

7. 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 in the hospital. It is stated that the deceased was earning Rs.25,000/- working as a security in the private concern. However, no income proof produced to prove the same. Considering the fact that the accident is of the year 2019, cost of living at that point of time and the deceased was working as a security, he would have considerably earned a sum of Rs.600/- per day, hence, this court is inclined to fix Rs.18,000 (600 x 30) p.m., as his salary. Hence, this court is inclined to enhance his loss of dependency as Rs.25,20,000/- ($18000 - 1/3 = 6000$; $18000 - 6000 = 12000$; $12000 \times 12 = 144000$; $144000 \times 25\% = 36000$; $144000 + 36000 = 180000$; $180000 \times 14 = 25,20,000$)



8. 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.

9. 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	15,39,930/-	25,20,000/-
2.	Loss of love and affection	1,32,000/-	1,32,000/-
3.	Loss of Estate	16,500/-	16,500/-
4.	Funeral Expenses	16,500/-	16,500/-
5.	Total	17,04,930/-	26,85,000/-

10. Thus, the appellants/claimants are entitled to the enhanced compensation of Rs.26,85,000/- (Rupees Twenty Six Lakhs and Eighty Five Thousand only).

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



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12. The respondents 1 and 2 are jointly and severally liable to pay compensation to the appellants and 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.

13. Since the compensation amount now enhanced is Rs.26,85,000/-, it is made clear that the appellants/claimants have to pay the appropriate Court fee in order to receive the enhanced award amount.

05.08.2025

Index : Yes/No
Internet : Yes/No
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To

1. The Motor Accident Claims Tribunal
(Additional District Judge, Tiruvannamalai)
2. The Section Officer,
VR Section, High Court, Madras.



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T.V.THAMILSELVI.,J
gv

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