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CMA No. 211 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No. 211 of 2025

1. D. Manimegalai
2.D. Mahalakshmi
3.D. Meenachi Sundari (minor)
D/o. Devarajan,
3rd Minor Petitioner rep. by her mother
and next friend 1st petitioner

Appellant(s)

Vs

1. M.Siva

2.ICICI Lombard Insurance Co. Ltd.,
Arihant Plaza,
1st Floor, No.84 and 85, Walltax Road,
Chennai - 003.

Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 29.08.2024 passed in M.C.O.P.No.517 of 2022 on the file of the learned Chief Judge, Motor Accidents Claims Tribunal, Court of Small Causes, Chennai.



WEB COPY

CMA No. 211 of 2



For Appellant(s): Mr.K.Varadha Kamaraj

For Respondent(s): Mr.M.Jayaraj for R2
R1 - No Such Person

JUDGMENT

The above Civil Miscellaneous Appeal arises against the Award and Decree dated 29.08.2024 passed in M.C.O.P.No.517 of 2022 on the file of the learned Chief Judge, Motor Accidents Claims Tribunal, Court of Small Causes, Chennai.

2.It is the case of the claimants that the 1st petitioner is the mother and the petitioners 2 and 3 are the sisters of the deceased D.Raja. On 24.10.2021 about 09.00am, while the deceased was riding a Motor Cycle bearing Registration No.TN 55 9689 from Karunagalakudi to Melur Road near Amalanathan Coconut Garden, at the time a Trailer Lorry bearing Registration No.TN 88 D7286 driven by its driver in a rash and negligent manner in same direction and hit against the deceased Motor Cycle. Due to which, the deceased fell on the road and the Trailer Lorry ran over the deceased and the deceased sustained grievous injuries and died on the spot. The Tribunal after considering the



evidence on record awarded a sum of Rs23,34,780/- towards compensation with interest @ 7.5% per annum from the date of petition till the date of realization to the petitioners. Aggrieved by the very meagre compensation that has been granted by the Tribunal, the petitioners are before this Court.

3.The learned counsel appearing for the appellants would submit that the Tribunal ought to have fixed the income of the deceased at Rs.30,000/- per month on the basis of Ex.P.12 - Salary Certificate. Further, the Tribunal went wrong in fixing 10% of negligence on the side of the deceased for the reason the deceased has not produced Driving License, as such, the deceased not having license on the date of accident. The learned Tribunal ought to have not fixed 10% of negligence on the side of the deceased, when the FIR against the 1st respondent vehicle driver. Accordingly, he was entire negligent and the same was proved by PW2.

4.Per contra, the learned counsel appearing for the 2nd respondent would submit that there is no proof for the income and therefore, the Tribunal has fixed Rs.10,000/-. He would submit that this is a very reasonable award and does not warrant a reconsideration. The compensation amount claimed is excessive.



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papers.

5. Heard the learned counsel appearing on either side and perused the

6. On a perusal of records, it is seen that the deceased was studying B.Sc., (C.S) III year and doing part time job as Salesman in Textile, Painting works and Loadman works and earning Rs.30,000/- per month. At the time of death, the deceased was aged 21 years. Hence, the multiplier adopted should be 18. Taking into account the cost of living at that time, the notional income can be enhanced to a sum of Rs.18,000/- per month to which 40% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the monthly income would come to Rs.25,200/-. The annual income would work out to a sum of Rs./- ($\text{Rs.}25,200/- \times 12 = \text{Rs.}3,02,400/-$). After deducting $1/3^{\text{rd}}$ amount towards his personal expenses, the annual contribution to the family would be a sum of Rs.2,01,600/-. Considering his age, the appropriate multiplier to be adopted is 18. Therefore, the loss of dependency to the family would be a sum of Rs.36,28,800/- ($\text{Rs.}2,01,600/- \times 18 = \text{Rs.}36,28,800/-$). In all other respects, the Award remains unaltered. Therefore,



taking into consideration the above aspects, the modified amount is as follows:

S.No.	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)
1.	Loss of dependency	Rs.24,19,200/-	Rs.36,28,800/-
2.	Loss of Estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of love and affection	Rs.1,32,000/-	Rs.1,32,000/-
4.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
5.	Transportation charges & damages to belongings	Rs.10,000/-	Rs.10,000/-
	TOTAL	Rs.25,94,200/-	Rs.38,03,800/-
	Less – 10% contributor negligence	Rs.23,34,780/-	Rs.34,23,420/-

The enhanced compensation would be a sum of Rs.34,23,420/-.

7. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.34,23,420/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.517 of 2022 on the file of the learned Chief Judge, Motor Accidents Claims Tribunal, Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited



earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimants 1 and 2 are permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

8. The share of the minor/3rd respondent shall be deposited in any one of the Nationalised Banks in fixed deposit under the reinvestment scheme initially for a period of three years. The interest accruing on the share of the minor/3rd respondent shall be paid to the mother of the minor, once in three months, till she attains majority.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

11-08-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Chief Judge,
Motor Accidents Claims Tribunal,
Court of Small Causes,
Chennai.

2. The Section Officer,
VR Section,
Madras High Court.

CMA No. 211 of 2





WEB COPY

CMA No. 211 of 2



T.V.THAMILSELVI J.

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CMA No. 211 of 2025

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