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CMA No. 228 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 228 of 2024

1. K.Kala

2. Manjamuthu

Appellants

Vs

1. K.Sekar

2. Reliance General Insurance Company

Ltd

TP Legal Claims 4th floor, No.6,
Haddows Road, Nungambakkam,
Chennai

3. Mani

Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this appeal by enhancing the award passed by the Tribunal in MCOP.No. 140/2022 dated 01.09.2023 on the file of the III Addl District and



Sessions Judge Cuddalore at Vridhachalam (MACT Court)...

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For Appellants: Mr. S.Udhayakumar

For Respondents: R1 And R3 - No Appearance
Mrs.R.Sree Vidhya For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.140 of 2022, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The petitioners are mother and father of deceased Krishnaprasad. The case of the petitioners is that the 1st and 3rd respondents are father and son jointly running hallow block brck chamber in Selliyampalayam Village with using the mini tempo for transportation of bricks. The deceased was working as a cleaner in the 1st respondent's mini tempo bearing Regn. No. TN-91 R-4326. On 08.04.2022, the said mini tempo was engaged for transportation of cement block towards Vilambavur from Selliyampalayam, at that time, the vehicle was driven by 3rd respondent in a rash and negligent manner with high speed and capsized the tempo about 15.30 hours at opposite to Rich India Housing Plots, Salem Main Road, Veppur and caused an accident. Due to which, the deceased sustained fatal injuries, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the claim petition came to



be filed before the Tribunal seeking for payment of compensation of Rs.30,00,000/-.

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3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the 3rd respondent/driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.14,61,866/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	13,60,000
2.	Loss of consortium	40,000
3.	Transportation	15,000
4.	Funeral expenses	15,000
5.	Medical expenses	36,066
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	14,61,866

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellants would argue that the accident was



happened in the year 2022, but without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.9000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 18 years and there is no proof produced on the side of appellants for the income derived by him as a cleaner around Rs.15,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.9000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2022, even per day the income is to be considered as a sum of Rs.500/-, he would have earned Rs.15,000/-. Therefore, this Court is inclined to enhance the notional income of the deceased Krishnaprasad from Rs.9000/- to Rs.15000/-. Furthermore, the Tribunal has granted only a sum of Rs.40,000/- under the head of 'Loss of love and affection'. This is on the lower side and hence, each of the claimant is entitled for a sum of Rs.40,000/- under this head. Accordingly, the total compensation under this head is fixed at Rs.80,000/- (Rs.40,000/- x 2). The compensation that has been fixed under the other heads are reasonable and does



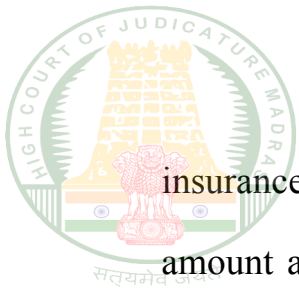
not require the interference of this Court.

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9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.15,000/- (add 40% future prospects) = 15000 + 6000 = 21000 21000 x 12 x 18 (multiplier) = 45,36,000 – 1/2 = 22,68,000	13,60,800	22,68,000	enhanced
2.	Loss of love and affection (Rs.40000 x 2)	40,000	80,000	enhanced
3.	Funeral expenses	15,000	15,000	confirmed
4.	Transportation expenses	10,000	10,000	confirmed
5.	Medical expenses	36,066	36,066	confirmed
	Total Rounded off	14,61,866	24,09,066 24,09,070	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.14,61,866/- is enhanced to Rs.24,09,070/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The second respondent



insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 2 are entitled to share the amount proportionately as ordered by the Tribunal and the appellants 1 and 2 are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

07-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, III Addl. District Judge, Cuddalore.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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