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CMA No. 702 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 702 of 2023

1. SUDHA

2. ABINAYA

3. SARVALOSHINI

minor rep by her mother 1st Petitioner
as natural guardian and next friend.

Appellants

Vs

1. K.Shanthi

2.Royal Sundaram Alliance General

Insurance Co Ltd

TP Department, Subramanian Building,

II Floor, Club House Road, LM

Opposite Sinthur Hotel, Chennai 02.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the award against the Judgment and Decree 26-08-2022



and made in MACTOP No.148/2017 on the file of the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai).

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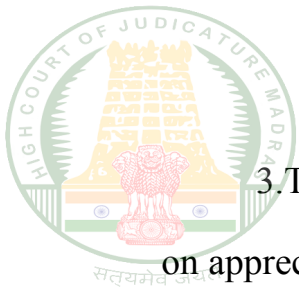
For Appellants: Ms.N.Lavanya
For Mrs.M.Malar

For Respondents: R1 - Exparte
Mr.G.Vasudevan For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.148 of 2017, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

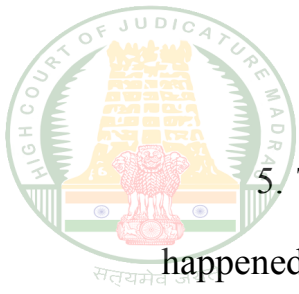
2. The petitioners are wife and daughters of deceased Sathiyannarayanan. The case of the petitioners is that on 04.11.2016 at about 09.45 p.m. while the deceased was riding a two wheeler bearing Regn. No.TN-09 CB-5428 at Arcot Road Virugambakkam towards Vadapalani, opposite Christ Church, at that time, a car bearing Regn. No.TN-22-CW-3025 came from same direction in a rash and negligent manner hit behind the deceased 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.65,00,000/-.



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 driver of the 1st respondent subject to the deduction of 10% of contributory negligence. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.16,60,500/- after deduction of 10% of contributory negligence under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	16,80,000
2.	Loss of consortium	1,32,000
3.	Loss of estate	16,500
4.	Funeral expenses	16,500
	Total compensation awarded (by adding Sl. Nos. 1 to 4)	18,45,000
	Less : 10% contributory negligence	1,84,500
	Net compensation	16,60,500

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

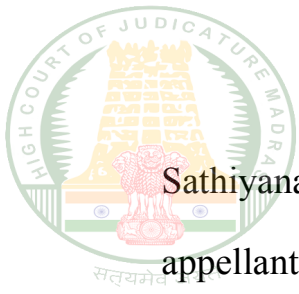


5. The learned counsel for appellants would argue that the accident was happened in the year 2016 and he was working as Delivery Incharger in Aasif Biriyani at Virugambakkam, thereby he had earned a sum of Rs.30,000/- per month, but without considering the same as well as cost of living at that time, the tribunal had fixed the notional monthly income only as Rs.12000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 43 years and there is no proof produced on the side of appellants for the income derived by him as a Delivery Incharger around Rs.30,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.12,000/-, 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 2016 and as a Delivery Incharger in Aasif Biriyani at Virugambakkam, he would have earned Rs.16,000/-. Therefore, considering the fact that the accident was happened in the year 2016 and considering his profession as well as considering the cost of living at that time and also considering his age, this Court is inclined to enhance the notional monthly income of the deceased



Sathiyanarayanan from Rs.12000/- to Rs.16000/-. Furthermore, now the second appellant had attained majority and her share is not required to be deposited in fixed deposit. Accordingly, minor 3rd appellant share alone is to be deposited in fixed deposit. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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.16,000/- (add 25% future prospects) = 16000 + 4000 = 20000 20000 x 12 x 14 (multiplier) = 33,60,000 – 2/3 = 22,40,000	16,80,000	22,40,000	enhanced
2.	Loss of consortium	1,32,000	1,32,000	confirmed
3.	Loss of estate	16,500	16,500	confirmed
4.	Funeral expenses	16,500	16,500	confirmed
	Total	18,45,000	24,05,000	enhanced
	Less :- 10% contributory negligence	1,84,500	2,40,500	
	Net compensation	16,60,500	21,64,500	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.16,60,500/- is enhanced to Rs.21,64,500/-. 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 they are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. 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.

11. As far as the share of minor 3rd appellant is concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellant's mother, once in three months.

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

14-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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1. Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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