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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2363 of 2025

and

CMP.No.9254 of 2025

1. Uma Maheswari
2. Raghupathi
3. Venkatraman

...Appellants

Vs

- 1.C.Murugesan
- 2.B.Ranganayaki
- 3.The New India Assurance Company Limited
Rep by its Manager, Amman Complex,
1st floor, 1360, EVN Road, Erode
Branch Office at Mayura Complex
Mettur Main Road, Bhavani , Erode District
- 4.Salman
5. L. Thangavel
6. United India Insurance Company Limited
Rep by its Manager, NO.1171,
Muthaiah Complex, Erode District

..Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.300 of 2019 dated 23.04.2024 on the file of the Motor Accident Claims Tribunal, III Additional District Judge, Erode, Gobichettipalayam, Full Additional Charge of IV Additional District Judge, Erode, Bhavani/MACT Erode District, Bhavani.



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For Appellants : Mr.C.Kulanthaivel

For Respondents : Mr.D.Venkatachalam for R6

Mr. K. J. Sivakumar for R3

JUDGMENT

This appeal has been filed by the claimants seeking enhancement of compensation under the impugned award dated 23.04.2024 passed by the III Additional District Judge, Erode, Gobichettipalayam, Full Additional Charge of IV Additional District Judge, Erode, Bhavani/MACT Erode District, Bhavani. in MCOP.No. 300 of 2019.

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

On 18.06.2019 at about 5.00 p.m., while the deceased Soundarraman as a pillion rider of Motor cycle bearing Regn.No.TN-36-AP-0625 proceeding on the left side of Bhavani to Sathi Main Road and when the deceased vehicle was nearing Duraisamy House at Servarayanpalayam, the 1st respondent who drove the bus bearing Regn.No.TN-33-AU-3888 came from opposite direction, hit against the deceased vehicle and caused the accident due to which the deceased sustained fatal and multiple injuries and succumbed to death on the way to hospital. Claiming that the driver of the bus is responsible for the accident, the claimants have filed a claim petition



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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.27,51,600/-.

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 learned counsel for the respondents 3 and 6 and perused the materials available on record.

5. The learned counsel appearing for the Appellants/Claimants submitted that the Tribunal failed to consider the notional monthly income of the deceased properly by taking into account of the educational qualification and the various documents produced by the claimants. The future prospects of the deceased must be 50% considering Ex.P15 (call letter) and Ex.P28 (joining letter). The Tribunal erred in awarding meagre amount on all other heads also and the same needs interference of this court for enhancement. Hence, he prayed to enhance the compensation.



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6. Per contra, the learned counsel appearing for the third respondent/Insurance Company has submitted that the compensation claimed by the appellants is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellants/claimants and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. On perusal of records, it is seen that the deceased was a holder of Diploma in Mechanical Engineering. To prove the qualification of the deceased, the appellants have produced Ex.P16 to 28 (certificates) and his involvement in extracurricular activities and he was a meritorious candidate. Considering the cost of living and that the accident is of the year 2019, the deceased was aged about 18 years, this court is inclined to fix Rs.20,000/- per month as notional income.. Since the age of the deceased is 18 years at the time of accident and he is a meritorious candidate holding joining letter to job, it is just and fair to add 40% towards future prospects and the multiplier '18' to be adopted and $\frac{1}{2}$ is deducted towards personal expenses,

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for calculating loss of dependency and thus arrived at a sum of

Rs.30,24,000/- towards loss of dependency.

(20000 + 40%= 8000; 20000 + 8000= 28000; 28000 x ½ =14000;
14000x12= 168000 x18 = 30,24,000/-)

This court is also inclined to award Rs.40,000/- each to the parents of the deceased i.e., appellants 1 and 2 towards parental consortium.

8. Insofar as the heads such as loss of estate and funeral expenses are concerned, 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	27,21,600/-	30,24,000/-
2.	Loss of Estate	15,000/-	15,000/-
3.	Funeral Expenses	15000/-	15,000/-
4.	Parental	----	84,000/-



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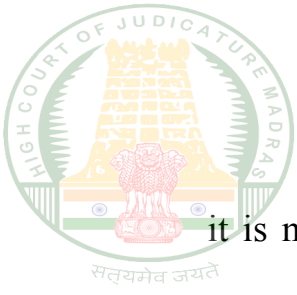
<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
	consortium(40000x2)		
5.	Total	27,51,600/-	31,38,000/-

10. Thus, the appellants/claimants are entitled to the enhanced compensation of **Rs..31,38,000/- (Rupees Thirty One Lakh and Thirty Eight Thousand only)**

11.The Civil Miscellaneous Appeal is partly allowed. Consequently, connected miscellaneous petition is closed. No costs.

12. The Third respondent/Insurance Company is 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 by filing necessary application before the Tribunal. Other aspects of the order of the Tribunal remains the same.

13. Since the compensation amount now awarded is Rs.31,38,000/-,



it is made clear that the claimants has to pay the appropriate Court fee in order to receive the enhanced award amount.

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Speaking/Non-speaking Order
gv

To

1.The Motor Accident Claims Tribunal, III Additional District Judge, Erode, Gobichettipalayam, Full Additional Charge of IV Additional District Judge, Erode, Bhavani/MACT Erode District, Bhavani.

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

T.V.THAMILSELVI,,J
gv

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