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CMA No. 967 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 967 of 2025

1. JEYANDHHI

W/o.P.Kanniyappan, res at Door

No.3/6, Valaiyapatti,

Devinayakkanpatti, Kuddam, Dindigul

District-624711

2.P.Kanniyappan

S/o.Palanisamy, res at Door No.3/6,

Valaiyapatti, Devinayakkanpatti,

Kuddam, Dindigul District-624711

3.K.Pruthika

D/o.P.Kanniyappan, res at Door No.3/6,

Valaiyapatti, Devinayakkanpatti,

Kuddam, Dindigul District-624711

Appellant(s)

Vs

1. P.Ravikumar

S/o.Perumal, Door No.6/24,

Arupampatty, Thottampatty,



Vedasandur Taluk, Mallamanarkottai,
Dindigul District-624005

2.M/s.Sri Kaalieaswari Agency
No.475/1A, Jambuliampatti, Siluvathur
Road, Dindigul-624005

3.United India Insurance Co. Ltd.
No.24, Whites Road, Chennai-600014

4.United India Insurance Co. Ltd.
Muthiah Complex, No.1170, Mettur
Road, Erode-11, Erode Taluk, Erode
District

Respondent(s)

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PRAYER

To allow the present appeal award enhanced compensation in judgment dt. 23.07.2024 in MCOP No.456/2021 on the file of the Special District Judge (To Deal with MCOP Cases), Erode.

CMA No. 967 of 2025

For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mr.J.Michael Visuvasam For R3
And R4 R1 and R2 - Notice
Dispensed With



JUDGEMENT

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This Civil Miscellaneous Appeal has been filed against the judgment dated 23.07.2024 in MCOP No.456/2021 on the file of the Special District Judge (To Deal with MCOP Cases), Erode.

2. On 24.06.2021 at about 12.30 p.m the deceased Piruthiviraj after completing the finance collection work, was riding the motorcycle bearing registration No. TN 57 BW 3803 on the Pillammanaikenpatti to Kovilur road from East to West direction to the left side of the road. While the deceased was proceeding so, near Pillamanaikenpatti Water tank, a Tanker lorry bearing registration No. TN 57 BC 9919 came from opposite direction, driven by its driver in a rash and negligent manner dashed against the deceased/Piruthiviraj's Motorcycle. Due to the impact the deceased fell down sustained grievous on head and all over the body and he died on the way to the hospital. Thereafter, the claimants filed the petition before the tribunal claiming compensation. Second and third respondent contested the case by filing counter. After considering the oral and documentary evidence, the Tribunal awarded



compensation.

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3. The learned counsel for the appellants/claimants submit that the deceased was working as collection agent and earned Rs.30,000/- per month but the tribunal has fixed only Rs. 15,000/- as notional income of the deceased and also fixed 15% towards contributory negligence which is excessive. Hence, he prays to enhance the compensation.

4. The learned counsel for the 2nd and 3rd respondent submits that the claimants have not produced any document to prove the income of the deceased. Hence, the tribunal has rightly fixed the notional income which needs no interference.

5. Considering the cost of living at the time of the accident, this Court is inclined to fix Rs. 18,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs. 27,21,600/- (18000+7200x12x18-1/2) under the head of loss of dependency. Further, the contributory negligence fixed by the tribunal is reduced to 10% from 15%. Except above modification, the award passed by the tribunal in other heads remain unchanged.



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.22,68,000/-	Rs. 27,21,600/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.88,000/-	Rs.88,000/-
4.	Funeral expenses	Rs.16500/-	Rs.16,500/-
5.	Damages to clothes and articles	Rs.2,000/-	Rs.2,000/-
	Total	Rs.23,91,000/-	Rs. 28,44,600/-

6. After deducting 10% towards contributory negligence, the claimants are entitled to Rs.25,60,140/-. The 3rd and 4th respondents are directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No.456/2021 on the file of the Special District Judge (To Deal with MCOP Cases), Erode., within a period of eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellants/claimants are permitted to withdraw the award amount as per the ratio of apportionment made by the tribunal by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.



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7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

21-08-2025

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To

1. The Special District Judge (To Deal with MCOP Cases), Erode.
2. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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