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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1301 of 2023

1. S.Suseela
2. S. Rajeesprabhu
3. S. Nithya
4. H. Logeswari

... Appellants

Vs.

1. N. Lakshmana Perumal

2. IFFco – Tokio General Insurance co. Ltd.,
3rd Floor, No.128, Habibulla Road, T. Nagar,
Chennai – 600 017.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the amount awarded in M.C.O.P.No.795 of 2017 dated 28.02.2020 on the file of the Motor Accident Claims Tribunal, (II Court of Small Causes) at Chennai.

For Appellant : Mr.K. Varadha Kamaraj

For Respondent-2 : Mr.N. Somasundaram



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JUDGMENT

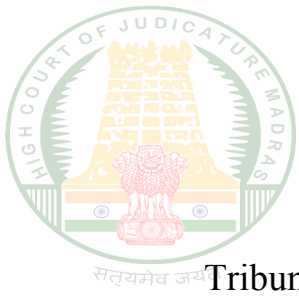
The appellant had filed this appeal to to enhance the amount awarded in M.C.O.P.No.795 of 2017 dated 28.02.2020 on the file of the Motor Accident Claims Tribunal, (II Court of Small Causes) at Chennai.

2. The brief facts of the case of the appellant/claimant is as follows:

On 11.07.2017 at about 18:45 hours when the deceased was riding his bicycle towards Madambakkam road, a car bearing Reg.No.TN-19-D-3072 driven by its driver in a rash and negligent manner endangering to public safety and hit against the deceased. Due to which the deceased sustained severe head injuries and succumbed to injuries. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking compensation for a sum of Rs.20,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.5,03,000/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the



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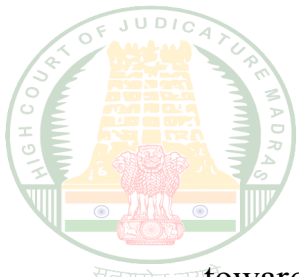
Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.6,400/- as monthly income of the deceased as he was earning more than Rs.14,000/- per month at the time of accident. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials available on record.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.22,68,000/- towards loss of dependency; Rs.40,000/- towards loss of consortium; Rs.75,000/- towards loss of love and affection; Rs.75,000/- towards Parental consortium; Rs.10,000/-



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towards Medical Expenses; Rs.15,000/- towards Funeral Expenses.

9. Considering the occupation of the deceased , it would be just and appropriate to fix Rs.14,500/- as his monthly income As per the dictum laid down by the Hon'ble Apex Court 1/3rd of the income is deducted for the purpose of computing the dependency compensation and considering the age of the deceased the multiplier to be adopted is '5'

Calculation

Monthly Income = Rs.14,500/-

After 1/3rd deduction = 14,500 – 4,834 = Rs.9,666/-

Loss of dependency

= Rs.9,666 x 12 x 5

= Rs.5,79,960/-. The head loss of affection is removed. The head

Parental Consortium is enhanced to Rs.1,20,000/- (Rs.40,000 x 3)

Compensation awarded under the other heads are reasonable and does not require interference of this Court.



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10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Dependency	2,88,000/-	5,79,960/-
2.	Loss of consortium	40,000/-	40,000/-
3.	Loss of Love and affection	Rs.75,000/-	-Nil-
4	Parental Consortium	-Nil	Rs.1,20,000/-
5.	Medical Expenses	10,000/-	10,000/-
4.	Funeral Expenses	15,000/-	15,000/-
	Total	Rs.5,03,000/-	Rs.7,64,960/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.5,03,000/- to Rs.7,64,960/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



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ii. The compensation awarded by the Tribunal is enhanced from

Rs.5,03,000/- to Rs.7,64,960/-,.

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent/IFFco Tokio General Insurance co. Ltd, is directed to deposit the enhanced compensation amount, i.e., **Rs.7,64,960/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.795 of 2017 on the file of the Motor Accident Claims Tribunal, (II Court of Small Causes) at Chennai.** within a period of eight weeks from the date of receipt or uploading of a copy of this order.



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v. On such deposit being made, the appellants/claimants are at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

01.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

smn

To

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

2. IFFco – Tokio General Insurance co. Ltd.,
3rd Floor, No.128, Habibulla Road, T. Nagar,
Chennai – 600 017.

3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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