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CMA No. 1440 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1440 of 2024

AND

CMP NO. 12555 OF 2024

The New India Assurance Co. Ltd.
Branch Office, 39-C, Bye Pass Road,
Dharmapuri-636 701

Appellant

Vs

1. Anumanthan
2. Munusamy
3. Arul
4. Ashokan
5. Deepa
6. Rajammal
7. A Sekar

Respondents



PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the award passed by the tribunal in the above MCOP.No.100/2020 on the file of the Exclusive Motor Accident Claim Tribunal, Dharmapuri dated 09-11-2023.

For Appellant : Mr M. Krishnamoorthy

For Respondents: Mr.S.Ramprabu
For Mr. T.Ananthasekar For R1 To 6
R7 - Notice Dispense With

JUDGMENT

Challenging the impugned award passed by the Motor Accident Claims Tribunal, Dharmapuri in MCOP No.100 of 2020, dated 09.11.2023, the appellant/2nd respondent insurance company preferred this Civil Miscellaneous Appeal.

2.The case of the respondents/petitioners 1 to 6 is that on 20.11.2019 at about 10.00 hours. when the deceased Venugopal was proceeding in his two wheeler bearing Regn. No. TN-07 V-1037 on Kadamadai-Palacode Road, near Paapparapatti cross road, he turned his vehicle from left side to right side to go to Annapoorni BPC Petrol bunk to fill up petrol, at that time, the driver of bus

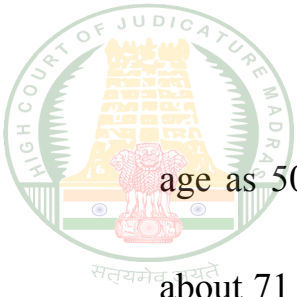


bearing Regn. No. TN-29-AS-9955 came towards Palacode in a rash and negligent manner, dashed the two wheeler and caused accident. Due to which, he sustained grievous injuries, for which he was admitted in hospital, but inspite of treatment, he died. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.30,00,000/-.

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 rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.30,35,000/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4. The Insurance Company aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

5. The learned counsel for appellant argues that at the time of accident, the deceased was aged about 71 year, but the tribunal had erroneously fixed his



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age as 50 years. However, as per voter id card and aadhar card, he was aged

about 71 years. Considering that, his age is to be arrived at 71 years. Therefore,

the multiplier is to be modified. Furthermore, he would also submit that

respondents 1 to 6 are married sons and daughters. Hence, they are not his

dependants, since they were got married, but mother of deceased alive.

Moreover, the learned counsel also pointed out that the medical expenses of

Rs.3,80,000/- was not supported by original bills and only duplicate bills were

produced. But, without considering the same, the tribunal awarded medical

expenditure. Therefore, he prayed to modify the findings of tribunal.

6. The learned counsel for respondents 1 to 6 have raised objections stating that they have not applied for any medical claim and tribunal has rightly awarded compensation, which needs no interference of this court. Hence, he prayed to dismiss this appeal as no merit.

7. Heard and considered rival submissions made by learned counsel for appellant and respondents 1 to 4 and perused materials available on record.



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8. Considering both side submissions, the fact reveals that as per the voter identity card and aadhar card, at the time of accident, the deceased was aged about 71 years. So, the multiplier is to be arrived at 5. Furthermore, though the respondents 1 to 6 have submitted that they have not made any medical claim, the original bills were not produced. However, at the time of cross-examination before the tribunal, the appellant submitted that as per the investigation, only a sum of Rs.76,100/- was spent as medical expenses. So, as per the investigation of appellant insurance company, the medical expenses is to be arrived at Rs.77,000/- and that alone is considered. Accordingly, this Court is inclined to reduce the medical expenses from Rs.3,83,000/- to Rs.77,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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



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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 dependency Rs.16,000/- (add 25% future prospects) = 16000 + 4000 =20000 20000 x 12 x 5 (multiplier) = 12,00,000 – 1/3 (4,00,000) = 8,00,000	23,40,000	8,00,000	reduced
2.	Loss of consortium	nil	nil	
3.	Loss of love and affection (Rs.44,000/- x 5)	2,20,000	2,20,000	confirmed
4.	Filial consortium (father and mother)	44,000	44,000	confirmed
5.	Loss of estate	16,500	16,500	confirmed
6.	Funeral expenses	16,500	16,500	confirmed
7.	Medical expenditure	3,83,000	77,000	reduced
8.	Transport charges	15,000	15,000	confirmed
	Total	30,35,000	11,89,000	reduced

11. Accordingly, the compensation awarded by the tribunal at Rs.30,35,000/- is reduced to Rs.11,89,000/-. The appellant insurance company is directed to deposit the 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



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judgment. If any excess amount is paid, the appellant is permitted to withdraw the said amount. On such deposit of the compensation amount now determined by this Court, the respondents 1 to 6 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the award amount along with interest and costs and if any excess amount is already withdrawn, the same is ordered to be returned by them. Insofar as the compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12. In the result, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

26-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Dharmapuri.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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