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CMA.No.934 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.934 of 2025

1. Mrs.A.Cecella Rajesh Andrews,
 2. F.Andrews @ Anand Francis
- ... Appellants

Vs.

1. T.N.Kothandan
 2. The Oriental Insurance Company Ltd.,
Third Party Claims Cell,
Oriental house, 2nd floor, Old No.115,
New No.216, Prakasam Salai, Broadway,
Chennai 600 108.
- ... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to enhance the compensation awarded in MCOP No.611 of 2020 dated 03.10.2023 on the file of the Chief Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

For appellants : Mr.U.Chithambaram

For Respondents : Mr.J.Chandran for 2nd respondent



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JUDGMENT

Not satisfied with the quantum of compensation awarded by the Tribunal, the claimants have come before this court by filing the present appeal.

2. It is not in dispute that the daughter of the claimants died in a road accident that had occurred on 22.01.2020. According to the claimants, their daughter was riding a motorcycle towards Velachery via Maruthapandi Road and when she came in front of flat No.MIG 964, first main Road, TNHB colony, a TATA LPT lorry belonging to the first respondent, insured with the second respondent came in a rash and negligent manner and dashed against the two wheeler driven by the deceased. As a result of accident, the victim fell down and sustained grievous injuries and subsequently died on the same day. The claimants filed a claim petition seeking compensation of Rs.90,00,000/-. The amount payable to the claimants was quantified by the Tribunal at Rs.24,53,600/-.



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3. The first respondent remained *exparte* before the Tribunal and the claim petition was contested by the second respondent, insurer of the lorry on the ground that the accident had occurred only due to the negligence on the part of the deceased. The age and income of the deceased were also denied by the second respondent.

4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligent driving of the driver of the lorry, insured with the second respondent and quantified the compensation payable to the claimants at Rs.24,53,600/-. Not satisfied with the quantum of compensation awarded by the Tribunal, the claimants have come before this court.

5. The learned counsel for the appellants would submit that the accident had occurred in the year 2020, however, the Tribunal fixed very meager amount of Rs.15,500/- as notional income and hence, the same needs enhancement.



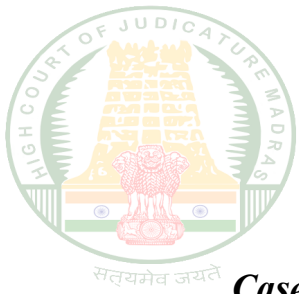
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6. The learned counsel for the second respondent would submit that the Tribunal, based on the salary certificate produced by the claimants, fixed the notional income at Rs.15,500/- and therefore, the said finding requires no interference by this Court.

7. A perusal of Ex.P7 promotion order issued to the deceased would indicate that the deceased was promoted as Officer with effect from 01.12.2019 and her salary was revised and re-fixed at Rs.15,500/- per month. Based on the Aadhaar Card of the deceased, her age was fixed as 22 years and hence, 40% enhancement was given towards future prospects. The Tribunal applied the applicable multiplier of 18, while calculating the compensation under the head loss of dependency and awarded a sum of Rs.23,43,600/- Therefore, the said compensation requires no interference by this court.

8. The Tribunal also awarded a sum of Rs.80,000/- towards filial consortium and Rs.15,000/- each under the heads funeral expenses and loss of estate, as per the law laid by the Apex Court in ***Pranay Sethi***



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Case. Therefore, the total award passed by the Tribunal is in accordance with law and it requires no interference by this court.

9. Accordingly, this civil miscellaneous appeal is dismissed and the award passed by the Tribunal is affirmed.

10. The **second respondent** is directed to deposit the compensation amount as awarded by the Tribunal, along with interest and costs, less the amount already deposited, if any, within a period of **six weeks** from the date of receipt of a copy of this judgment. On such deposit being made, the claimants shall be permitted to withdraw the compensation amount along with interest and costs, less the amount if any, already withdrawn, by making a formal application before the Tribunal.

There shall be no order as to costs.

28.03.2025

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
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To

1. The Chief Judge,
Motor Accident Claims Tribunal,
Court of Small Causes, Chennai.

2. The Section Officer,
V.R.Section, Madras High Court.



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S.SOUNTHAR, J.

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