



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1705 of 2023**

**and**

**CMP.No.16700 of 2023**

1. Universal Sompo General Insurance  
Company Limited  
Office at Faridabad 1st Floor, SCF-2,  
Sector 35, Ashoka Enclave 1,  
Faridabad, Hariyana-121 003.

Appellant(s)

Vs

1. Shaida Katoon  
W/o. Abdul Majid, Ward No.2,  
Dhanauji Village and Post, Pakri Dayal  
Taluk, East Chaniparan District, Bihar-  
945 428. Now residing at Wahab  
Nagar-2, Rayakotta Road, Krishnagiri  
Taluk and District.

2.Abdul Majid  
S/o. Jaffar Miyan, Ward No.2, Dhanauji  
Village and Post, Pakri Dayal Taluk,  
East Chaniparan District, Bihar-945  
428. Now residing at Wahab Nagar-2,  
Rayakotta Road, Krishnagiri Taluk and  
District.

3.Nasir Husssain  
S/o. Abdul Majid, Ward No.2, Dhanauji  
Village and Post, Pakri Dayal Taluk,  
East Chaniparan District, Bihar-945  
428. Now residing at Wahab Nagar-2,  
Rayakotta Road, Krishnagiri Taluk and



District.

4.Minor Aarif Alam

S/o. Abdul Majid, Rep. by their Next  
Friend and Mother 1st Petitioner  
Shaida Katoon, Ward No.2, Dhanauji  
Village and Post, Pakri Dayal Taluk,  
East Chaniparan District, Bihar-945  
428. Now residing at Wahab Nagar-2,  
Rayakotta Road, Krishnagiri Taluk and  
District.

5.Minor Aabid Hussain

S/o. Abdul Majid, Rep. by their Next  
Friend and Mother 1st Petitioner  
Shaida Katoon, Ward No.2, Dhanauji  
Village and Post, Pakri Dayal Taluk,  
East Chaniparan District, Bihar-945  
428. Now residing at Wahab Nagar-2,  
Rayakotta Road, Krishnagiri Taluk and  
District.

6.Minor Mohammed Masum

S/o. Abdul Majid, Rep. by their Next  
Friend and Mother 1st Petitioner  
Shaida Katoon, Ward No.2, Dhanauji  
Village and Post, Pakri Dayal Taluk,  
East Chaniparan District, Bihar-945  
428. Now residing at Wahab Nagar-2,  
Rayakotta Road, Krishnagiri Taluk and  
District.

(Minor respondents 4 to 6 are represented by their Next Friend and mother 1<sup>st</sup>  
respondent Shaida Katoon)

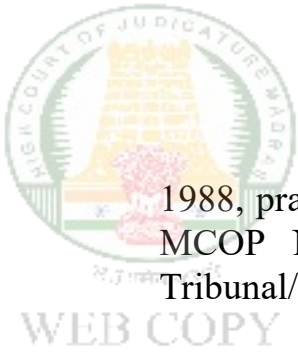
7.Dot Truckers Limited

No.1, K.M. Sikri Pyala Road,  
Ballabgarh, Faridabad, Hariyama-121  
004

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,



1988, prays to set aside the Judgement and Decree dated 09.06.2020 passed in MCOP No.1362 of 2018 on the file of the Motor Accident Claims Tribunal/Sessions Judge (FTMC) Krishnagiri.

For Appellant(s): Mr.B.Siva Kollapan

For Respondent(s): No Appearance

### **JUDGMENT**

The appellant has filed this appeal against the award passed in MCOP.No.1362 of 2018 on the file of the Motor Accident Claims Tribunal /Sessions Judge (FTMC) Krishnagiri, dated 09.06.2020.

2. On considering the oral and documentary evidence, the Tribunal allowed the claim petition and awarded a sum of Rs.16,48,740/- as compensation, directing the appellant / 2nd respondent to pay the said amount to the claimants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization.

3. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (Insurance company) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.



4. The learned counsel appearing for the appellant contended that the Tribunal had fixed the monthly income of the deceased at Rs.8,500/-especially, when no proof of income was filed by the claimants. He further contended that the monthly income of the deceased should be reduced and, accordingly, the compensation awarded by the Tribunal should be scaled down.

5. The deceased was working as a load man. However, no documentary evidence was adduced by the claimants to substantiate their claim that the deceased was earning a sum of Rs.20,000/- per month as mentioned in their claim petition. In the circumstances, considering the accident of the year 2018, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.12,000/- would meet the ends of justice.

6. As per the decision of the Hon'ble Supreme Court in ***National Insurance Co. vs Pranay sethi and others***, reported in ***2017 (2) TNMAC 601***, 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his legal heirs of the deceased. The deceased was aged 20 years at the time of the accident, unmarried man. Hence, 1/2 of the income is to be deducted towards the deceased's personal expenses. As per the decision rendered in ***Sarla Verma and others vs. Delhi Transport Corporation and another***, reported in ***(2009) 6 SCC 121***, the proper multiplier



to be adopted in the instance case is 17. The compensation awarded under the other heads by the Tribunal is confirmed.

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7. Calculation

Notional Income = Rs.12,000/-

40% Future Prospects = 12,000 + 4,800 = 16,800/-

After 1/2 deduction = 16,800 – 8,400 = Rs.8,400/-

Loss of dependency

= Rs.8,400 x 12m x 17

= Rs.17,13,600/-

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

| Sl. No | Heads              | Amount (in Rs.)<br>awarded by the<br>Tribunal | Amount (in Rs.)<br>awarded by the<br>High Court |
|--------|--------------------|-----------------------------------------------|-------------------------------------------------|
| 1.     | Loss of dependency | 16,18,740                                     | 17,13,600                                       |
| 2.     | Loss of estate     | 15,000                                        | 15,000                                          |
| 3.     | Funeral expenses   | 15,000                                        | 15,000                                          |
|        | <b>Total</b>       | <b>16,48,740</b>                              | <b>17,43,600</b>                                |

Thus, the compensation awarded by the Tribunal is enhanced from Rs.16,48,740/- to Rs.17,43,600/-, which shall carry interest at the rate of 7.5% per annum.

9. In the result,

(i) The Civil Miscellaneous appeal is partly allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(ii) The compensation awarded by the tribunal is enhanced from



Rs.16,48,740/- to Rs.17,43,600/-.

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(iii) The appellant / M/s.Universal Sampo General Insurance company Limited, Hariyana-121 003, is directed to deposit the revised compensation amount of Rs.17,43,600/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit (less the amount already deposited by them), within a period of eight weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made by the appellant/ M/s.Universal Sampo General Insurance company Limited, Hariyana-121 003, the respondents 1 to 3 / claimants 1 to 3 are at liberty to withdraw their shares as per the apportionment made by the Tribunal, after following due process of law. The respondents 4 to 6, who are minors, and represented by their mother / the 1<sup>st</sup> respondent, shall have their shares of compensation amount, as per the apportionment made by the Tribunal, be deposited in any one of the Nationalized Banks till they attains majority.

**11-07-2025**

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1. The Motor Accident Claims Tribunal  
/Sessions Judge (FTMC) Krishnagiri.

2.The Section Officer, VR Section,



High Court of Madras.

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**T.V.THAMILSELVI J.**  
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