



CMA.No.839 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.839 of 2025

1.Tmt.S.Mangai
2.Mr.G.Sengeni

... Appellants

Vs.

1. Hall Mark Cargo Pvt Ltd
No.45, Mariamman Koil St,
Chennai Trunk Road,
Villupuram Taluk and District – 602.

2,. Reliance General Insurance Co. Ltd
Reliance House, 6th Floor,
No.6, Haddows Road,
Nungambakkam, Chennai - 034.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, against the order dated 18.08.2023 made in MACT.OP NO.1968 of 2019, on the file of the IV Small Causes Court, (Motor Accidents Clams Tribunal), Chennai.

For Appellant : M/s.R.Kalaiarasan

For Respondents: Mr.G.Vasudevan for R2

R1-Notice dispensed with



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JUDGMENT

Not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, the claimants have come before this court by way of this appeal.

2. It is the case of the appellants/ claimants that on 30.03.2018, the deceased was riding his motorcycle from Acharapakkam to Puducherry via Tindivanam to Puducherry road along with one Manikandan as a pillion rider. When they came near Omanthur bus stop, the lorry belonged to the first respondent insured with the second respondent came in a rash and negligent manner and dashed against the motorcycle of the deceased from backside. As a result of the accident, the deceased sustained grievous injuries and died. Hence, the claim petition was filed seeking compensation of Rs.25,00,000/-.

3. .The first respondent, owner of the lorry, remained ex-parte and the claim petition was resisted by the insurer of the lorry by denying various averments found in the claim petition. The age, income and occupation of the deceased were specifically denied by the second respondent.



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4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the lorry. The amount payable to the claimants was quantified at Rs.18,65,300/-. Not satisfied with the quantum, the claimants have come before this court.

5. Both the learned counsel for the appellants as well as the second respondent/ Insurance Company have not advanced any arguments on the questions of negligence as well as liability. Hence, the facts necessary to decide those questions are not discussed in this appeal.

6. The learned counsel for the Appellants submitted that the notional income of Rs.11,500/- fixed by the Tribunal is meagre one and hence it requires enhancement.

7. The learned counsel for the Second Respondent/Insurance Company submitted that the claimants failed to produce any acceptable evidence to prove the avocation and income of the deceased and hence, the Tribunal was justified in fixing a notional income at Rs.11,500/-.



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8. In the claim petition filed by the claimants, it was stated that the deceased was employed as a driver and was earning a sum of Rs.16,000/- per month. It was also stated that he was paid Rs.100/- as batta per day. In order to prove the avocation and income of the deceased, the claimants produced the driving license of the deceased marked as Ex.P3 and the salary certificate issued by the employer was marked as Ex.P7.

9. A perusal of Exhibit P-3 would indicate that the deceased was holding LMV driving license and hence, he is entitled to drive light motor vehicles. The salary certificate issued by the employer of the deceased which was marked as Exhibit P-7 would indicate that the deceased was paid a sum of Rs.16,000/- per month as salary. However, there is no reference about the daily batta as mentioned in the claim petition.

10. In the light of Exhibit P-7, salary certificate and also the fact that the accident had occurred in the year 2018, this Court is inclined to fix the income of the deceased at Rs.16,000/- per month. As per Exhibit P-3, driving license, the tribunal fixed the age of the deceased at 22 years. Therefore, the claimants are entitled to 40% enhancement towards future



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prospects. The applicable multiplier is 18. Since the deceased died as a bachelor, 50% of the amount shall be deducted towards personal expenses. Therefore, the loss of the dependency is fixed at Rs.24,19,200/-

$$16,000 \times 1.4 \times 12 \times 18 \times 1/2 = \text{Rs. } 24,19,200$$

11. The tribunal granted 10% enhancement towards conventional damages like loss of estate, funeral expenses and loss of consortium. Since the accident had occurred within 3 years from the date of judgment in *Pranay Sethi* case (31-10-2017), the claimants are not entitled to 10% enhancement. Therefore, the claimants are entitled to Rs.15,000/- each under the heads loss of estate and funeral expenses and Rs.80,000/- under the head loss of parental consortium. The amount awarded by the tribunal under the head transportation expenses is set aside. Accordingly, the total amount payable to the claimants is Rs.25,29,200/-.

12. In view of the discussions made earlier, the compensation awarded by the Tribunal is modified as follows:-



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Sl No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of dependency	17,38,800/-	24,19,200/-	Enhanced
2.	Loss of Estate	16,500/-	15,000/-	Reduced
3.	Funeral Expenses	16,500/-	15,000/-	Reduced
4.	Loss of Consortium	88,000/-	80,000/-	Reduced
5	Transportation expenses	5,500/-	Nil	Set aside
	Total	18,65,300/-	25,29,200/-	Enhanced by 6,63,900/-

13. With the above modifications, the Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal at Rs.18,65,300/- is enhanced to Rs.25,29,200/-.The appellant is entitled to interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization. The second respondent /Insurance company is directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this Judgment. The appellants/claimants are permitted to withdraw the same along with interests and costs, less the



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amount if any, already withdrawn by filing a formal application before the Tribunal. The appellants are directed to pay applicable additional court fee on the enhanced award amount. No costs.

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Index: Yes/No
Internet: Yes/No
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To

1. The IV Small Causes Court,
Motor Accidents Claims Tribunal, Chennai.
2. The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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