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C.M.A.No.2421 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.09.2025**

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THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.2421 of 2025

1. S.Shakila

2. S.Sasi Kumar

3. S.Semma

.. Appellants /Petitioners

Vs.

1. Aadhissha Avinash

2. ICICI Lombard General Insurance Company Limited,

No.84 & 85, Arihant Plaza, First Floor,

Walltax Road, Chennai – 600 003.

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal by setting aside the judgment and decree dated 21.11.2022 by enhancing the award of compensation in M.C.O.P.No.5382 of 2021, on the file of the Motor Accident Claims Tribunal, (In the II Court of Small Causes) at Chennai.

For Appellants : Mr.Mr.K.Suryanarayanan

For R2 : Mr.R.V.Sivaraj

JUDGMENT

The legal heirs of the deceased S.Jegadeshwar, who died in a road traffic accident that occurred on 20.09.2021 have preferred this Civil Miscellaneous Appeal against the judgment and decree dated 21.11.2022



passed in M.C.O.P.No.5382 of 2021 by the Motor Accident Claims Tribunal /
IInd Court of Small Causes, Chennai, for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The claim petition was filed by the legal heirs of the deceased S.Jegadeshwar under Section 166(1) of the Motor Vehicles Act, 1988, who died in a road traffic accident that occurred on 20.09.2021, claiming compensation of Rs.48,00,000/-.

4. The Tribunal upon consideration of the entire evidence granted compensation of Rs.21,37,000/-. The amounts awarded under various heads are given hereunder:-

“For loss of dependency Rs.20,16,000/-, for loss of consortium Rs.88,000/-, for loss of estate Rs.16,500/- and for funeral expenses Rs.16,500/-, in all Rs.21,37,000/-”

5. As per the evidence of P.W.1 - S.Shakila, the deceased was aged about 21 years and he was working as Quality Assistant in a private company, earning a sum of Rs.20,000/- per month. Ex.P5 is the Employment Identity Card issued to the deceased. As regards the personal and living expenses, it



is relevant to refer to the observations made by the Apex Court in its judgment in *Sarla Varma and others Vs. Delhi Transport Corporation and others* reported in 2009 (2) TN MAC 1 (SC). Wherein, it has been held that, "...Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses.

6. Therefore, for personal and living expenses, 50% has to be deducted. It is also relevant to note that the father of the deceased Sasi Kumar is aged about 45 years at the relevant point of time. Though the identity card of the deceased is marked as Ex.B5, salary certificate is not marked and the Tribunal has fixed the notional income of the deceased at Rs.10,000/-. Educational qualification of the deceased is also not stated. In such circumstances, this Court deems fit to fix notional income of the deceased at Rs.16,000/-. As regards the future prospects, the Apex Court has standardized for the persons self-employed or on fixed salary, in *National Insurance Company Limited Vs. Pranay Sethi* and others, reported in 2017 (16) SCC 680, for the person who is below 40 years of age, 40% has to be added while computing loss of dependency. As per the claimant side exhibits and medical records, age of the deceased is fixed at 21 years at the relevant point of time. Based on the aforestated details, for computation of loss of dependency, the following formula emerges:-



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$$\begin{aligned}\text{Loss of Dependency} &= [(\text{Rs.16,000/-} + 40\%) - 1/2] \times 12 \times 18 \\ &= \text{Rs.24,19,200/-}\end{aligned}$$

7. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and does not warrant any interference by this Court. The compensation awarded under different heads after rework is tabulated hereunder:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs. 20,16,000/-	Rs.24,19,200/-	Enhanced
2	For Loss of Consortium	Rs.88,000/-	Rs.88,000/-	Confirmed
3	For Loss of Estate	Rs.16,500	Rs.16,500/-	Confirmed
4	For Funeral Expenses	Rs.16,500/-	Rs.16,500/-	Confirmed
	Total	Rs.21,37,000/-	Rs.25,40,200/- rounded off to Rs.25,40,000/-	Enhanced

8. Thus, the compensation awarded by the Tribunal is enhanced from Rs.21,37,000/- to Rs.25,40,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

9. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.



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(ii) The compensation awarded by the Tribunal is enhanced from Rs.21,37,000 /- to Rs.25,40,000/-.

(iii) The Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.25,40,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.5382 of 2021 on the file of Motor Accidents Claims Tribunal / II Court of Small Causes, Chennai, within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimants are permitted to withdraw the amount now determined by this Court as per the apportionment made by the Tribunal along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Copy to

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

2. The Section Officer,
VR Section,
High Court, Madras.



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R. KALAIMATHI, J.

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