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CMA No. 577 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 577 of 2024

Raja(coma)(since Deceased)

1.Premavathi

2. Udhayakumar(Minor)
(2nd Minor Petitioner rep. by the
Guardian and next friend 1st petitioner
Premavathi)

3. Deepika (Minor)
(3rd Minor Petitioner rep. by the
Guardian and next friend 1st petitioner
Premavathi)

4. Revathi

Appellants

Vs

1. R.Santhokumar

2.The Manager
M/s.United India Insurance Company Limited,
No.134, 4th Floor, Silingi Buildings, Greams Road,
Chennai 600 006.

Respondents

**PRAYER**

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the award dated 28.06.2023 made in M.C.O.P.No.518/2020 on the file of Motor Accident Claims Tribunal, in the II Judge, Court of Small Causes, Chennai so far as granting the lower amount of Rs.32,46,500 and enhance the award amount.

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For Appellants: Mr.K.Ayyadurai

For Respondents: Mrs.R.Sreevidhya For R2
R1 - Insufficient Address

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.518 of 2020, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

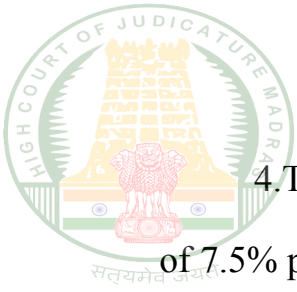
2. The appellants are wife, son, daughter and mother of deceased Raja. The case of appellants is that on 12.01.2020 at about 16.20 hours, when the deceased was riding his two wheeler bearing Regn. No. TN-10 S-0788 at Center of Katthipara over bridge towards Vadapalani, at that time, the car bearing Regn. No.TN-31-BA-2964, which was going in front of petitioner's vehicle and suddenly came back as revers with rash and negligently, without any proper signal, dashed the deceased two wheeler and caused accident. Due to which,



the deceased sustained severe head injury as well as multiple grievous injuries all over the body, for which he underwent treatment in the hospital, but he died in spite of treatment. 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 driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.32,46,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	30,37,500
2.	Loss of consortium	1,76,000
3.	Loss of estate	16,500
4.	Funeral expenses	16,500
	Total compensation awarded (by adding Sl. Nos. 1 to 4)	32,46,500



4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

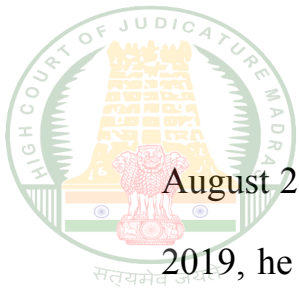
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5. The learned counsel for appellants would argue that the accident was happened in the year 2020 and the deceased was employed as Manager in Saravanabavan Hotel, Chennai and earned a sum of Rs.25,000/- per month at the time of accident, but without the same as well as without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.18,000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 40 years and on perusal of his salary certificate, the tribunal had rightly fixed his notional monthly income as Rs.18,000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On perusal of Ex.P28, the copy of deceased consolidated salary details from 10.02.2019 to 10.02.2020 was perused and it would reveals the fact that in the month of January 2019, he had received the salary of Rs.21,481/-, in the month of May 2019, he received the salary of Rs.22,731/-, in the month of



August 2019, he received the salary of Rs.21,681/- and in the month of October 2019, he received the salary of Rs.22,931/-. So, he had received salary around Rs.21,000/- per month before the accident. Therefore, this Court is inclined to enhance notional monthly income of the deceased Raja from Rs.18,000/- to Rs.21,000/-.

9. Furthermore, with regard to medical expenses, learned counsel for appellant would submit that a sum of Rs.4,50,000/- was incurred by the appellants for his medical expenditure, but it was not considered by the tribunal. By way of reply, the learned counsel for 2nd respondent raised objections stating that the medical bills are marked as Ex.P4 before the tribunal and the same was properly considered by the Tribunal. However, on perusal of records, the fact reveals that the medical expenses incurred by the appellant is Rs.4,30,000/-, which is sustainable one and the same is liable to be granted. Moreover, though he was in hospital for more than 24 days, the tribunal has not awarded any sum under the head of transportation. Hence, this Court is inclined to award a sum of Rs.15,000/- towards transportation. 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 income Rs.21,000/- (add 25% future prospects) = 21000 + 5250 = 26250 26250 x 12 x 15 (multiplier) = 47,25,000 – 3/4 = 35,43,750	30,37,500	35,43,750	enhanced
2.	Loss of consortium	1,76,000	1,76,000	confirmed
3.	Loss of estate	16,500	16,500	confirmed
4.	Funeral expenses	16,500	16,500	confirmed
5.	Transportation		15,000	awarded
6.	Medical expenses		4,30,000	awarded
	Total Rounded off	32,46,500	41,97,750	enhanced

11. Accordingly, the compensation awarded by the tribunal at Rs.32,46,500/- is enhanced to Rs.41,97,750/-. The second respondent insurance company is directed to deposit the enhanced 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 judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 4 are entitled to share the amount proportionately as ordered by the Tribunal and they



are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12. As far as the share of minor appellants viz., 2nd and 3rd appellants are concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellants' mother, once in three months.

13. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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

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



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T.V.THAMILSELVI J.

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