



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA NO. 2129 OF 2024 & CMA No.63 of 2024

AND

CMP NO. 16311 OF 2024

CMA No. 2129 of 2024

United India Ins.Co.Ltd
Shiva Madical B Stair, Calicur Road,
Gudalur, Nilgiris District.

Appellant

Vs

1. D.Sainudheen

2.Shibinbabu

3.Minor Shamna

(3rd Claimant minor rep. by her next
friend guardian 1st Claimant father
sainudheen)

4.P.Rayin(Owner)

aged 35 yearsm S/o.Abdul Rahaman,
No.11/375, Cherambadi, Cherngode,
Nilgiris District.

Respondents



PRAYER:- Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicles Act, praying to set aside award and decree dated 28.08.2023 made in M.C.O.P.No.69 of 2019 on the file of the Motor Accidents Claims Tribunal(Subordinate Judge), Sathyamangalam.

CMA No.63 of 2024

1. Sainudheen

2. Shibin Babu

3. Minor. Shamna

Rep by Father and Next Friend 1st
appellant

Appellants

Vs

1. P. Rayin (Owner)
No.11/375, Cherambadi, Cherngode,
Nilgris Dt, (1st Respondent remained
Exparte in Lower Court, Hence Given
UP)

2.United India Insurance Co.Ltd.,
Shiva Medical B Stair, Circular Road,
Gudalur, Nilgris Dt.

Respondents



PRAYER :- Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicles Act, praying to set aside the award of the Motor Accidents Claims Tribunal, (Subordinate Judges Court) Sathyamangalam and made in MCOP No.69/2019 dated 28.08.2023.

CMA No. 2129 of 2024

For Appellants Mr.D.Bhaskaran

For Respondents : Ms. P.T.Saleem Fathima for R1
 to R3
 R4 – Notice dispensed with

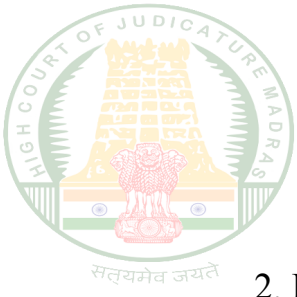
CMA No. 63 of 2024

For Appellants Ms. P.T.Saleem Fathima

For Respondents Mr. D. Bhaskaran For R2
 Batta Due for R1

COMMON JUDGMENT

Challenging the impugned award passed by the Motor Accident Claims Tribunal, Subordinate Judge, Sathyamangalam in MCOP No.69 of 2019, dated 28.08.2023, the appellant/2nd respondent insurance company preferred the Civil Miscellaneous Appeal in C.M.A.No.2129 of 2024 and the petitioners have preferred the Civil Miscellaneous Appeal in C.M.A.No. 63 of 2024.



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2. For the sake of convenience, the parties are denoted as per the ranking in the claim petition.

3. The case of the petitioners 1 to 3 is that on 08.01.2019 at about 10.15 hrs. when the 1st petitioner's wife was travelling as a passenger in the auto bearing Regn. No. TN-43 Y-5807 on 3rd mail curve deversolai to Gudalur Road, Gudalur, at that time, the driver drove the tipper lorry bearing Regn. No. TN-43 Y-9997 came from Deversolai opposite direction with high speed in a rash and negligent manner without any signal or sound, hit against auto. Due to which, the 1st petitioner's wife sustained fatal injuries on the head, for which she underwent treatment in the hospital, but subsequently inspite of treatment she died on the same day. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.20,00,000/-.

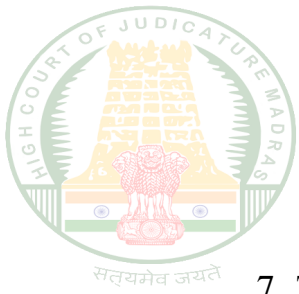


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4. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.28,47,862/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The 2nd respondent Insurance Company as well as petitioners 1 to 3 aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeals before this Court.

6. The learned counsel for 2nd respondent insurance company argues that the tribunal had erroneously fixed the age of deceased as 34, but on considering the age of her son, she would have been at the age of 38 to 40 years. Therefore, the learned counsel prayed to modify the age of deceased.



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7. The learned counsel for petitioners 1 to 3 argue that the accident was happened in the year 2019, but without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.15,000/-. Hence, they prayed for enhancement of compensation.

8. Heard both sides.

9. Considering submissions of both sides and on perusal of post-mortem certificate, the fact reveals that the age of deceased was 35 years and as per the legal heir certificate, her son age is mentioned as 17 years. Therefore, the deceased is aged around 38 to 40 years. Hence, this Court is inclined to fix the age of deceased at 38 years and multiplier is to be arrived at 15. 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.	Loss of dependency Rs.15,000/- (add 40% future prospects) = 15000 + 6000 =21000 21000 x 15 (multiplier) x 12 x 1/3 = Rs.25,20,000/-	26,88,000	25,20,000	enhanced
2.	Loss of estate	15,000	15,000	confirmed
3.	Funeral expenses	15,000	15,000	confirmed
4.	Loss of consortium (Rs.40,000/-)	1,20,000	1,20,000	confirmed
5.	Medical bill	9,862	9,862	confirmed
	Total Rounded off	28,47,862/-	26,79,862 26,79,870	

11. Accordingly, the Civil Miscellaneous Appeal filed by the appellant insurance company in C.M.A.No.2129 of 2024 is partly allowed and modified. Furthermore, the Civil Miscellaneous Appeal filed by the petitioners 1 to 3 is not sustainable in view of findings rendered in the above Appeal . Accordingly, the Civil Miscellaneous Appeal filed by the petitioners 1 to 3 in C.M.A.No. 63 of 2024 is dismissed. There shall be a direction to the appellant Insurance Company to deposit the entire 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

judgement. The other directions issued by the Tribunal with regard to the mode

of payment of compensation remains unaltered. No costs. Consequently, the

connected Civil Miscellaneous Petition is closed.

25-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Judge, Sathyamangalam.

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



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CMA Nos. 2129 & 63 of 2024



T.V.THAMILSELVI J.

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**CMA NOS. 2129 & 63
OF 2024**

**25-06-2025
(1/2)**