C.M.A. No. 1789 of 2024

T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption "For Being Mentioned" today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by an order dated 09.07.2025 partly allowed the above C.M.A. However, he would submit that in paras 9 (iii) and (v), the appellant insurance company is the National Insurance Company Limited, but it was wrongly mentioned. Hence, he prayed to amend the same.

3. The learned counsel for respondents 1, 2 and 4 appeared and submitted that he has no objection in modifying the same in the order.

4. Heard the contentions of learned counsel for appellant and the learned counsel for respondents 1, 2 and 4 and perused the order.

5. Considering his submissions, the paras 9(iii) and (v) of the judgment shall be substituted as follows:

Para 9(iii)

"**The appellant/National Insurance Company Limited is directed to deposit the revised compensation amount of Rs.11,75,000/- 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 four weeks from the date of receipt of a copy of this judgment."

Para 9 (v) :-

"(v) The appellant/National Insurance Company Limited is at liberty to withdraw the amount deposited by them over and above the compensation awarded by this court."

6**.** Registry is directed to incorporate above correction in the Judgment of this Court in C.M.A.No.1789 of 2024 dated 09.07.2025 and issue fresh order copy to the appellant.

20.02.2026

rpp

T.V.THAMILSELVI, J.

rpp

C.M.A. No.1789 of 2024

20.02.2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1789 of 2024
and
CMP.No.13085 of 2024

The Divisional Officer,
The National Insurance Co. Ltd.,
2nd Floor, No.110,
Jawaharlal Nehru Street,
Puducherry. ... Appellant

Vs.

1.Pappa
2.Veeramani
3.Umarani
4.Mala
5.Baskar ... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the decree and judgement passed in MCOP.No.86 of 2016, dated 26.06.2019 on the file of the Motor Accident Claims Tribunal (Sub-Judge), Thittakudi.

For Appellants : Mr.J.Chandran

For R1,2 & 4 : Mr.S.Udhayakumar

For R3 : No appearance.

JUDGMENT

The appellant has filed this appeal against the award passed in MCOP.No.86 of 2016 on the file of the Motor Accident Claims Tribunal (Sub-Judge), Thittakudi, dated 26.06.2019.

2. On considering the oral and documentary evidence, the Tribunal allowed the claim petition and awarded a sum of Rs.13,25,000/- as compensation, directing the 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.12,000/- 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 learned counsel appearing for the respondents / claimants contended that the deceased was engaged in agriculture and milk supply business and was actually earning a sum of Rs.25,000/- per month. HE further contended that the Tribunal had fixed the notional income of the deceased at Rs.12,000/- per month and deducted ¼ towards his personal expenses. Therefore, he submitted that the Award passed by the Tribunal need not be disturbed at this stage.

6. Though in the claim petition it was contended by the claimants that the deceased was engaged in agriculture and milk supply business and was earning a sum of Rs.25,000/- per month, no proof of income was filed by the claimants. The accident took place in the year 2016. The Tribunal has rightly fixed the income of the deceased at Rs.12,000/- per month. At the time of accident, the deceased was aged 58 years, therefore, the proper multiplier in this case is ' 9 ', as per per the decision rendered in **Sarlavarma and others vs. Delhi Transport Corporation and**

another reported in **(2009) 6 SCC 121**. There were 4 persons dependent on the income of the deceased. Hence, 1/4th was rightly deducted towards his personal expenses. The notional income fixed by the Tribunal requires no interference under the head of loss of income.

7. With regard to the claim for loss of love and affection, this Court fix a total sum of Rs.1,60,000/-, for four persons. Consequently, the amount of Rs.2,00,000/- fixed for one person by the Tribunal is deleted. Under the head of 'loss of estate', this Court reduces the award to Rs.15,000/-.

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.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of dependency	9,72,000	9,72,000
2.	Loss of Consortium	1,05,000	1,60,000

3.	Loss of Consortium	2,00,000	Nil
4.	Loss of amenities	20,000	15,000
5.	Funeral expenses	28,000	28,000
	Total	**Rs.13,25,000**	**Rs.11,75,000**

Thus, the compensation awarded by the Tribunal is reduced from Rs.13,25,000/- to Rs.11,75,000/-, 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 scaled down from Rs.13,25,000/- to Rs.11,75,000/-.

(iii) The appellant/National insurance company Limited is directed to deposit the revised compensation amount of Rs.11,75,000/- 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 four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made by the appellant/The National Insurance company Limited, Puducherry, the claimants are entitled to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

(v) The appellant/National insurance company Limited is at liberty to withdraw the amount deposited by them over and above the compensation awarded by this court.

09**.07.2025**

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
rri

To

1. The Motor Accident Claims Tribunal (In the IV Court of small causes, Chennai).

2. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

rri

C.M.A.No.1789 of 2024
and
CMP.No.13085 of 2024

09.07.2025