



WEB COPY

CMA No. 1729 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1729 of 2025

E.Murugan(Died),

1.M.LAKSHMI

W/o. Murugan,

Appellant(s)

Vs

1. R. Rameshkumar

2.The National Insurance Co.Ltd.,
No.74A, Paramathy Road, Namakkal
Dt 637 001. Branch Office The
National Insurance Co.Ltd., No.94/34,
2nd Floor, Untied Shopping Complex,
Dr. Nanjappa Road, Park Gate,
Gopalapuram,
Coimbatore 641 018.

Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 21-08-2023 made in MCOP.No.121 of 2019 on the file of the learned IV Additional District Judge, Motor Accidents Claims Tribunal, Coimbatore.



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For Appellant(s): Mr.S.P.Yuaraj

For Respondent(s): Ms..N.B.Sureka For R2

ORDER

This Civil Miscellaneous Appeal is directed against the Award dated 21.08.2023 passed in MCOP No.121/2019 by the learned Motor Accident Claims Tribunal / IV Additional District Judge, Coimbatore, wherein compensation of Rs.12,44,000/- was awarded for the death of one Pradeep, aged 25 years, who succumbed to injuries sustained in the road accident on 30.12.2017.

2.It is the case of the claimant that the claimant, who is the mother of the deceased, contended that the deceased was employed in Texmo Company, earning Rs.14,500/- per month. On 30.12.2017, while travelling on his motorcycle, he was hit by a lorry TN 88 B 9813, driven rashly by the 1st respondent. The deceased succumbed to injuries the same day. The claimant sought Rs.15,00,000/- as compensation. The 1st respondent remained ex parte. The 2nd respondent/Insurance Company denied negligence and income,



contending that the claim was excessive and that deduction for personal expenses was necessary. The Tribunal awarded Rs.12,44,000/- as compensation with 7.5% interest.

3.The learned counsel for the claimants contended that the Tribunal erred in fixing the income at only Rs.7,500/- per month. The deceased was employed in a private company and therefore, the income should be at least Rs.14,000/- per month. Further, the eduction of $\frac{1}{2}$ is on higher side, and quantum under *loss of consortium* and other conventional heads needs modification.

4.The learned counsel for the Insurance Company supported the Tribunal award, submitting that no proof of income was filed and the Tribunal had correctly applied multiplier and deductions.



WEB COPY 5. On perusal of records, this Court is of the view that the notional income

fixed by the Tribunal is on the lower side. Taking into account the cost of living at that time, and the accident is of the year 2017, the notional income can be enhanced to a sum of Rs.14,000/- per month to which 40% of actual salary has to be added to the monthly income of the deceased towards future prospects.

Therefore, the monthly income would come to Rs.19,600/-. The annual income would work out to a sum of Rs.2,35,200/- ($\text{Rs.19,600/-} \times 12 = \text{Rs.2,35,200/-}$).

After deducting 1/2 amount towards his personal expenses, the annual contribution to the family would be a sum of Rs1,17,600/-. Considering his age, the appropriate multiplier to be adopted is 18. Therefore, the loss of dependency to the family would be a sum of Rs.21,16,800/- ($\text{Rs1,17,600/-} \times 18 = \text{Rs.21,16,800/-}$). The Tribunal has granted a sum of Rs.80,000/- under the head of loss of consortium is reduced to a sum of Rs.40,000/-. In all other respects, the Award remains unaltered. The enhanced compensation would be a

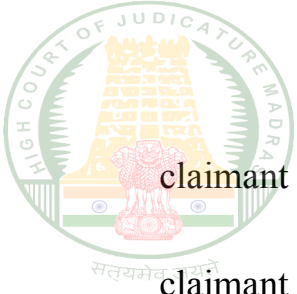


sum of Rs.21,86,800/-. Therefore, taking into consideration the above aspects,

the modified amount is as follows:

Head	As per Tribunal (Rs.)	As modified by this Court (Rs.)
Loss of Dependency	-11,34,000/-	-21,16,800/-
Funeral Expenses	-15,000/-	-15,000/-
Loss of Estate	-15,000/-	-15,000/-
Loss of Consortium	-80,000/-	-40,000/-
Total	-Rs.12,44,000/-	-Rs.21,86,800/-

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.21,86,800/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of MCOP.No.121 of 2019 on the file of the learned IV Additional District Judge, Motor Accidents Claims Tribunal, Coimbatore, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The



claimant is not entitled to get interest for the default period. On such deposit, the

claimant is permitted to withdraw the entire award amount with proportionate

accrued interest and costs as apportioned by the Tribunal, by making necessary

applications.

The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs. Consequently, connected Miscellaneous Petition is closed.

15-07-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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1. The IV Additional District Judge,
Motor Accidents Claims Tribunal,
Coimbatore.

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



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T.V.THAMILSELVI J.

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