



CMA No.1535 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1535 of 2025

A.Lakshmi

... Appellant

Vs.

1. S.Sudhakar
2.The New India Assurance Company Ltd.,
Bombay Mutual Building,
No.232, 6th Floor, NSC Bose Road,
Chennai-600 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation awarded in the impugned order and decree dated 05.06.2024, in M.C.O.P.6286 of 2019 on the file of the Motor Accident Claims Tribunal and Chief Judge, Court of Small Causes Court, Chennai.

For Appellant : Mr.R.Dinesh Kumar

For R2 : Mr.J.Chandran

JUDGMENT

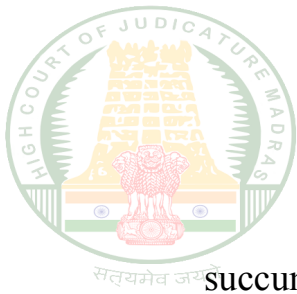


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WEB COPY The appellant has filed this appeal seeking enhancement of the compensation awarded in the impugned order and decree dated 05.06.2024 in M.C.O.P. No. 6286 of 2019, on the file of the Motor Accident Claims Tribunal and Chief Judge, Court of Small Causes, Chennai.

2. The brief facts of the case of the appellant/claimant are as follows:

The appellant is the wife of the deceased, Alagar. On 12.11.2019, at about 5.00 hours, while the deceased was walking and attempting to cross the 100 Feet Road near SAF Games Village Signal, Koyambedu, Chennai, a motorcycle bearing Registration No. TN 29 CH 9014, coming from the south to north direction and driven in a rash and negligent manner, hit the deceased. Due to the impact, the deceased was thrown onto the road and sustained a head injury along with multiple fatal injuries all over his body. He was immediately taken to Government Kilpauk Medical College Hospital, Chennai, and later admitted as an inpatient in Rajiv Gandhi Government General Hospital, Chennai, from 12.11.2019 until he



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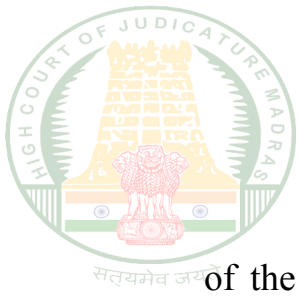
succumbed to his injuries on 17.11.2019. The first respondent is the owner and the second respondent is the insurer of the motorcycle bearing Registration No. TN 29 CH 9014.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 4,40,000/- as compensation, directing the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization (excluding any default period, if applicable).

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr. R. Dinesh Kumar, learned counsel appearing for the appellant, and Mr. J. Chandran, learned counsel appearing for the second respondent.

6. The learned counsel for the appellant contended that at the time



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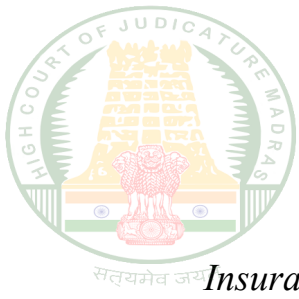
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of the accident, the deceased was aged 58 years and was working as a security guard at SR Vegetable Shop, Koyambedu Market, Chennai, earning a monthly income of Rs. 15,000/-. However, the Tribunal erroneously fixed the notional monthly income of the deceased as only Rs. 12,000/-. Therefore, the learned counsel prayed for enhancement of the compensation.

7. On the other hand, the learned counsel for the second respondent submitted that the award passed by the Tribunal was based on well-settled principles of law applicable at the time and does not require interference.

8. It is not in dispute that the deceased was employed as a security guard in SR Vegetable Shop, Koyambedu Market. However, the claimant failed to produce any documentary evidence to establish that the deceased was earning Rs. 15,000/- per month. In the given circumstances, this Court is of the opinion that fixing the notional income of the deceased at Rs. 15,000/- per month would meet the ends of justice.

9. As per the decision of the Hon'ble Supreme Court in *National*



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Insurance Co. Ltd. v. Pranay Sethi and Others, reported in 2017 (2) TN

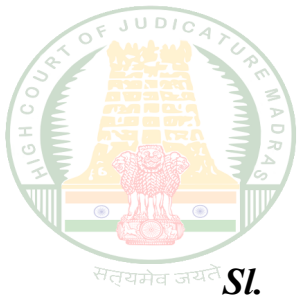
MAC 601, 10% of the income is to be added towards future prospects.

The deceased died leaving behind the appellant, his wife, as his sole legal heir. Therefore, 50% of the income is to be deducted towards personal expenses. The deceased was aged 58 years at the time of the accident. As per the judgment in *Sarla Verma and Others v. Delhi Transport Corporation and Another*, (2009) 6 SCC 121, the appropriate multiplier to be adopted is 9.

10. Calculation:

- Monthly Income = Rs. 15,000/-
- Future Prospects (10%) = Rs. 15,000 + Rs. 1,500 = Rs. 16,500/-
- After 1/2 Deduction for Personal Expenses = Rs. 8,250/-
- Loss of Dependency = Rs. 8,250 × 12 × 9 = Rs. 8,91,000/-

11. The following table sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



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Sl. No.	Heads	Amount awarded by Tribunal (Rs.)	Amount awarded by High Court (Rs.)
1.	Loss of Dependency	3,60,000	8,91,000
2.	Loss of Estate	15,000	15,000
3.	Loss of Consortium	40,000	40,000
4.	Funeral Expenses	15,000	15,000
5.	Transportation Expenses	10,000	10,000
	Total	Rs. 4,40,000	Rs. 9,71,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs. 4,40,000/- to Rs. 9,71,000/-, which shall carry interest at the rate of 7.5% per annum.

12. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs. 4,40,000/- to Rs. 9,71,000/-.

iii. The appellant/claimant is directed to pay the court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after receipt of such court fee.



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iv. The 2nd respondent, the New India Assurance Company Ltd., Chennai-1, is directed to deposit the enhanced compensation amount, i.e., Rs. 9,71,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 6286 of 2019 on the file of the Motor Accident Claims Tribunal and Chief Judge, Court of Small Causes, Chennai, within a period of four weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the 2nd respondent, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

20.06.2025

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

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To

1. The Motor Accident Claims Tribunal and Chief Judge, Court of Small Causes Court, Chennai.
2. The New India Assurance Company Ltd.,
Bombay Mutual Building,
No.232, 6th Floor, NSC Bose Road,
Chennai-600 001.
3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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