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CMA No. 1349 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1349 of 2025

K.Gajalakshmi

W/o. Ravichandran, D/o. Kannan

Appellant

Vs

1. Penumarthi Vijaya Durga Prasad

2.United India Insurance Co. Ltd.,
6-10-3, Hotavar Building,
Hotavariveedi, Innispet, Rajahmundry,
East Godhavari, Andhra Pradesh - 101.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow appeal and to enhance the amount awarded in MCOP No.2974 of 2017 dated 24.06.2024 on the file of Motor Accident Claims Tribunal Chennai (Special Sub Court No.1 Court of Small Causes, Chennai).



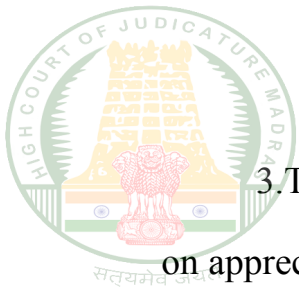
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For Appellant: Mr.M.John Paul

For Respondent(s): Mr.P.Sankaranarayanan for R2
R1 – Insufficient address**JUDGMENT**

Challenging the impugned award passed by the tribunal in MCOP.No.2974 of 2017, the appellant preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellant is mother of deceased R.Arun. The case of the appellant is that on 18.01.2017 at 8.00 a.m., when the deceased was riding his two wheeler on the left side of the road towards Chengalpattu at Thimmavaram, at that time, the driver of a bus bearing Regn. No. AP-05 TF-2122. On 08.04.2022 drove it in a rash and negligent manner from the opposite direction from Chengalpattu towards Kancheepuram, hit the two wheeler of deceased and caused an accident. Due to which, the deceased sustained fatal injuries and died immediate at the place of accident and he was taken to hospital, wherein he was declared dead. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.1,00,00,000/-.



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 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.29,31,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	28,56,000
2.	Loss of consortium	40,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Transport charges	5,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	29,31,000

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

5. The learned counsel for appellant would argue that at the time of accident, he was a Homeopathy Doctor and earned more than a sum of Rs.80,000/-, but without considering the same, the tribunal had fixed the notional monthly income as Rs.20,000/-. Hence, they prayed for enhancement of compensation.



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6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 28 years and there is no proof produced on the side of appellant for the income derived by him as a Homeopathy Doctor around Rs.80,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.20,000/-, 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 seeing the facts, it reveals that the deceased has completed Bachelor of Electropathy Medicine and Surgery and he was qualified with alternative medicine, to that effect, the appellant produced a certificate, which shows that he was qualified requirement of B.E.M.S. in Open International University for Complimentary Medicine, Alternative Medical Council, Calcutta. Considering that, this Court is inclined to enhance the notional income of the deceased Arun from Rs.20,000/- to Rs.21,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

9. 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 dependency Rs.21,000/- (add 40% future prospects) = 21000 + 8400 =29400 29400 (less 50% deduction) 29400-14700= 14700 14700 x 12 x 17 (multiplier) = 29,98,800	28,56,000	29,98,800	enhanced
2.	Loss of consortium	40,000	40,000	confirmed
3.	Loss of estate	15,000	15,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Transport charges	5,000	5,000	confirmed
	Total	29,31,000	30,73,800	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.29,31,000/- is enhanced to Rs.30,73,800/-. 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. 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 appellant is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.

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

18-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Sub-Court-I, 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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