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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.881 of 2025 and
C.M.P.No.7231 of 2025

C. Jayanthi

... Appellant

Vs.

1. S. Senthil

2. The Manager
Oriental Insurance Co. Ltd.,
Third party Claims Cell,
No.115, Prakasam Road,
Broadway, Chennai – 600 001

3. Kanniammal

4. Rani

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award passed in M.C.O.P.No.350 of 2023 dated 19.12.2024 on the file of the IV Judge, Court of small Causes, Chennai. (Motor Accidents Claims Tribunal)

For Appellant : Mr.S. Udhaya Kumar



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For Respondent-2 : Mr. D. Bhaskaran

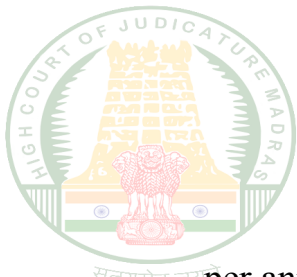
JUDGMENT

The appellant had filed this appeal to enhance the award passed in M.C.O.P.No.350 of 2023 dated 19.12.2024 on the file of the IV Judge, Court of small Causes, Chennai. (Motor Accidents Claims Tribunal).

2. The brief facts of the case is as follows:

On 20.09.2013 at about 21.30 hours when the deceased was riding the pulsar motorcycle bearing Reg.No.TN-19-F-4573 from east to west direction, at that time a motorcycle bearing Reg.No.Tn-09-A-3170 driven by its driver in a rash and negligent manner and dashed against the deceased's motor cycle. Due to that the deceased sustained fatal injuries and died on the spot. Hence, the legal heirs of the deceased filed a claim petitioner before the Tribunal seeking compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.15,43,000/- as compensation and , directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5%



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per annum from the date of petition till the date of realisation.

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

5. The learned counsel for the appellants submitted that the Tribunal failed to take note that the deceased was earning Rs.20,000/- per month and erroneously taken Rs.7,500/- as the monthly income of the deceased. He further submitted that the amount awarded under all other heads is also very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that in the connected M.C.O.P.No.205 of 2014 the Tribunal has fixed contributory negligence on the part of the deceased/Chandrasekar. As the negligence is also fixed on the part of the deceased, prays this Court to fix only 50 % liability towards the appellant/Insurance Company.



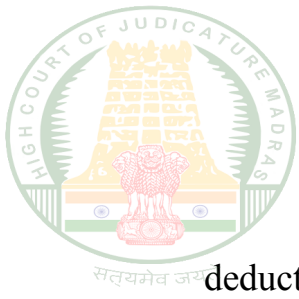
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7. Heard both sides and perused the materials on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.14,25,000/- under the head loss of dependency; Rs.80,000/- under the head Loss of Consortium; Rs.15,000/- each under the head for loss of estate and funeral expenses and Rs.5,000/- towards Transport charges. Thus the total compensation is arrived at Rs.15,43,000/- .

9. It is seen from records that only the mother of the deceased has challenged the findings of the Tribunal before this Court in the above CMA and the wife of the deceased has not challenged the award of the Tribunal.

10. Considering the facts of the case, this Court is of the view that the findings rendered by the Tribunal in the connected MCOP. No.205 of 2014 with regard to the contributory negligence aspect is perfectly valid and the same can be applied to this case. Accordingly this Court directs the second respondent to pay the modified amount of Rs.7,71,500/- (after



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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.350 of 2023 on the file of the Motor Accidents Claims Tribunal (IV Judge, Court of small Causes), Chennai within a period of eight weeks from the date of receipt or uploading of a copy of this order. On such deposit being made the appellant/claimant is entitled to withdraw a sum of Rs.5,00,000/- after following due process of law and the remaining amount of Rs.2,71,000/- shall be withdrawn by the wife of the deceased.

11. With the above observations, this Civil Miscellaneous Petition stands disposed of. No costs. Consequently the connected miscellaneous petition is closed.

25.08.2025

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

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2. The Manager
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T.V.THAMILSELVI, J.

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