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CMA No. 947 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 947 of 2025

1. SUDHA

W/o.Lingadurai, res at No.4/59A,
Kattuvilai, Agasteeswaram,
Kaniyakumari-629701

2. LINGADURAI

S/o.Appavunadar, res at No.4/59A,
Kattuvilai, Agasteeswaram,
Kaniyakumari-629701

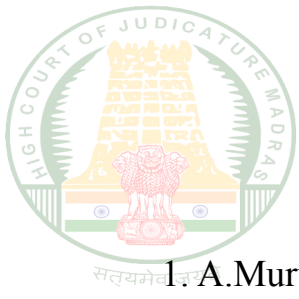
3. THANGASUJITHA

D/o.Lingadurai, res at No.4/59A,
Kattuvilai, Agasteeswaram,
Kaniyakumari-629701

4.Ponmalar (minor)

D/o.Lingadurai, res at No.4/59A,
Kattuvilai, Agasteeswaram,
Kaniyakumari-629701 (4th minor
petitioner is Rep. by her mother,
Mrs.Sudha as a Natural Friend and
Next Guardian)

Appellant(s)



Vs

1. A.Murugan

S/o.Arumugam, No.135, Mugilan Kudi
Irupu, South Thamaraikulam,
Agasteeswaram, Kaniyakumari-629704

2.Universal Sampo General Insurance
Co. Ltd.

No.501/626, Ground Floor, JVL Plaza,
Anna Salai, Teynampet, Chennai-
600018

Respondent(s)

CMA No. 947 of 2025

PRAYER

To enhance the amount awarded in MCOP No.3710 of 2023 dt. 25.10.2024 on the file of Motor Accident Claims Tribunal Chennai, Chief Judge, Court of Small Causes, Chennai

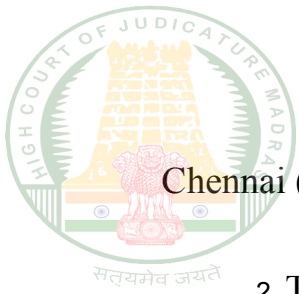
CMA No. 947 of 2025

For Appellant(s): U.Chithambaram

For Respondent(s): M/s.B.Sivakollapan For R2 R1 -
Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MCOP No.3710 of 2023 dated 25.10.2024 on the file of Motor Accident Claims Tribunal Chennai, Chief Judge, Court of Small Causes,



Chennai (in short "tribunal").

2. The brief facts of the case:

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On 13.06.2023 at about 18.30 hours while the victim was riding a Motorcycle bearing Registration No. TN 69 AU 4888 from Kanyakumari to Manakudi from East to West direction in front of Mugilan Kudi Irupu Arulpathi Road, a TATA Ace bearing Registration No. TN 74 P 6454 while turning from South to North direction in a rash and negligent manner hit against the victim's Motorcycle. Due to the impact the victim sustained fatal injuries all over the body and died. Thereafter the claimant filed petition before the tribunal claimed a compensation of Rs.49,00,000/-. The second respondent/insurance company contested the case by filing the counter. After considering the oral and documentary evidence the tribunal awarded a sum of Rs.27,89,400/- as compensation. Challenging the quantum of compensation the claimants filed this appeal.

3. The learned counsel for the claimants submit that the deceased was working as mason earned Rs.20,000/- per month but the tribunal has fixed Rs. 17,000/- per month as income. Hence, he prays to enhance the compensation.



4. The learned counsel for the respondent submits that the tribunal has rightly awarded compensation which needs no interference. Hence, he prays to dismiss the appeal.

5. Considering the fact that the deceased was working as mason. Hence, this Court is inclined to fix Rs.20,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs.30,24,000/- for loss of dependency. Except above modification, the award passed by the tribunal remain unchanged. Accordingly, the compensation is calculated as below.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependency	Rs.25,70,400/-	Rs.30,24,000/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.1,76,000/-	Rs.1,76,000/-
4.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
5.	Transportation charges	Rs.10,000/-	Rs.10,000/-
	Total	Rs.27,89,400/-	Rs.32,43,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.32,43,000/-(each respondents 1 to 3 Rs.10,00,000/- and for minor fourth respondent RS.12,45,000/-, fourth



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respondent's amount ordered to be deposited in the Nationalised bank permitted to receive interest till she attaining majority). The 2nd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No.3710 of 2023 on the file of Motor Accident Claims Tribunal Chennai, Chief Judge, Court of Small Causes, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.A.Murugan

S/o.Arumugam, No.135, Mugilan Kudi
Irupu, South Thamaraikulam,
Agasteeswaram, Kaniyakumari-629704

2.Universal Sampo General Insurance
Co. Ltd.

No.501/626, Ground Floor, JVL Plaza,
Anna Salai, Teynampet, Chennai-
600018.

3. The Section Officer, V.R. Section,
High Court, Madras.

4. The Motor Accident Claims Tribunal
Chennai, Chief Judge, Court of Small
Causes, Chennai



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T.V.THAMILSELVI J.
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