

**CMA.No.1644 of 2025****T.V.THAMILSELVI, J.**

Today, the matter is listed under the caption “for being mentioned“ at the instance of the learned counsel for the second respondent/Insurance Company.

2. The learned counsel for the second respondent/Insurance Company submitted that the deceased was 17 years at the time of accident and he had not possessed valid driving licence. Hence, 10% contributory negligence may be fixed on the side of the deceased.

3. In view of the above submission, the Registry is directed to substitute paragraph 6 with the following paragraph:

*“6. Since the deceased was aged about 17 years and drove the vehicle without any valid driving licence, this Court fixes 10% contributory negligence on the side of the deceased. Thus, the total compensation eligible by the appellants is [33,43,334 – 3,34,333.4] Rs.30,09,000.6/-, rounded off to Rs.30,09,000/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.30,09,000/-**. 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 M.C.O.P.No.1016 of 2019 on the file*



of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri, within a period eight weeks from the date of receipt of a copy of this judgement. The 1st appellant is entitled to get Rs.16,59,000/- (Rupees sixteen lakhs and fifty nine thousand only) and the second appellant is entitled to Rs.13,50,000/-(Rupees thirteen lakhs and fifty thousand only) and her share shall be deposited in the nationalized bank till attaining majority and she is entitled to withdraw the interest every quarter. On such deposit, the appellant/claimants are 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. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).”

4. In all other respects, the order dated 12.08.2025, shall remain unaltered. Registry is directed to issue a fresh order copy to all concerned, after carrying out the aforesaid correction.

06-02-2026

pvs



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1644 of 2025

1. MURUGAMMAL

W/o.Late Selvaraj, No.5/8, Nedungal
Village and Post, Krishnagiri Taluk and
District.

2. Minor Manisha

D/o.late Selvaraj, (Minors 2nd
petitioner is rep.by her N.F.Mother
Murugammal), residing at No.5/8,
Nedungal Village and Post, Krishnagiri
Taluk and District.

Appellant(s)

Vs

1. K. Mahindran

S/o.Kutti Nayakkar, No.1/8/1, Old
No.1/27, Roadu Street, Avalur,
Arakkonam Taluk, Vellore District.

2.The New India Assurance Company
Ltd.,

rep.by its Manager, Branch Office, No.
89-C, Bye pass Road, Dharmapuri
636701

Respondent(s)

CMA No. 1644 of 2025

PRAYER

To enhance the compensation amount made in order dated 16.02.2022 made in
M.C.O.P.No.1016 of 2019 on the file of the Motor Accident Claims Tribunal,



Special District Court, Krishnagiri by allowing this Civil Miscellaneous Appeal and thus render justice.

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

For Respondent(s): Mr.J.Chandran For R2 R1 -
No Appearance

JUDGEMENT

This appeal has been filed to enhance the compensation amount made in order dated 16.02.2022 made in M.C.O.P.No.1016 of 2019 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

2. On 03.06.2019 the deceased proceeded in Hero Honda Splendor + bike bearing registration No. TN 70 A 3531 as rider. The deceased drove the bike very slowly, cautiously with observing all the rules of the road, on that day at about 19.30 hours while thus proceeded in Palanthottam – Velampatty road at Chettymarampatty road near Murugar Temple, at that time the Tractor Trailer bearing registration No. TN 73 H 2169 belonging to the first respondent and insured with the second respondent was driven by its driver on the opposite direction of the said bike in a rash and negligent manner dashed against the deceased who was proceeded in the bike, due to the impact the deceased sustained injuries and died in the hospital. The appellant filed the petition before the tribunal claimaing compensation and the second respondent contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation. Challenging the quantum of compensation the



claimants filed this appeal.

3. The learned counsel for the claimant submits that the deceased was working as electrician helper and earned Rs.20,000/- per month but the tribunal has fixed only Rs.6,000/- as notional income of the deceased and also fixed very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the deceased has died at the age of 17 years and the claimants have not produced any records to prove the income of the deceased. Therefore, the tribunal has fixed notional income as Rs.7,000/- per month. Hence, he prays to dismiss this appeal.

5. Considering the fact that the deceased was died in the year 2019 at the age of 17 leaving behind his widow mother and physically handicapped minor sister and also the cost of living at the time of the accident, this Court is inclined to fix Rs.16,000/- as notional income of the deceased with 40% future prospectus. Accordingly, the claimants are entitled to Rs. 32,25,600/- under the head of loss of dependency. Further the accident was happened in the year 2019 hence, this Court is inclined to fix Rs.16,500 for loss of estate and Rs.16,500/- for funeral expenses and Rs.80,000/- for loss of consortium. Except above modification the award passed by the tribunal is remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependency	Rs.14,11,344/-	Rs. 32,25,600/-
2.	Loss of estate	Rs. 15,000/-	Rs. 16,500/-
3.	Loss of consortium	Rs.60,000/-	Rs.80,000/-



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
4.	Funeral expenses	Rs.15,000/-	Rs. 16,500/-
5.	Medical Bill	Rs.4,734/-	Rs. 4,734/-
	Total	Rs.15,06,078/-	Rs.33,43,334/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.33,43,334/-** . 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 M.C.O.P.No.1016 of 2019 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri, within a period eight weeks from the date of receipt of a copy of this judgement. The 1st appellant is entitled to Rs.18,43,334/- and the second appellant is entitled to Rs.15,00,000/-(fifteen lakhs and her share shall be deposited in the nationalized bank till attaining majority and she is entitled to withdraw the interest every quarter. On such deposit, the appellant/claimants are 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. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

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



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12-08-2025

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To

1. The Motor Accident Claims Tribunal, Special District Court, Krishnagiri
2. The Section Officer, V. R Section, High Court, Madras.



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