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CMA No. 875 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 875 of 2023

1. D. Vishalatchi

W/o. Dhamodharan, No.66.

Sakkarapani Street, Gandhi Nagar,

Keezhkattalai, Chennai - 600 117.

2. Dhamodharan

S/o. Loganathan, No.66. Sakkarapani

Street, Gandhi Nagar, Keezhkattalai,

Chennai - 600 117.

Appellant(s)

Vs

1. K. Latha

No. 45, Vivekanandar Street,

Radhakrishnan Nagar, Thiruvallur,

Chennai - 600 066.

2.Magma HDI General Insurance Co

Ltd

Navins Presidium, 3rd Floor, N.M.

Road, New No. 17/19, Old No. 103, B-

Block, Nelson Manickkam Road,

Chennai - 600 029.



Respondent(s)

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PRAYER

To allow the present appeal award enhanced compensation in judgment and decree dated 11.08.2022 in MCOP.No. 2383/2017 on the file of the Motor Accident Claims Tribunal, V Small Causes Court, Chennai.

CMA No. 875 of 2023

For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): R1 -insufficient Address R-2 -
No Appearance

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in judgment and decree dated 11.08.2022 in MCOP.No. 2383/2017 on the file of the Motor Accident Claims Tribunal, V Small Causes Court, Chennai.

2. On 02.01.2017 at about 18.30 hours, while the D.Suresh was riding the motorcycle bearing registration No. TN 22 CV 2009 along Medavakkam Main Road, near Madipakkam Sri Maruti and Co, at that time one Eicher Lorry bearing registration No. TN 18 P 4420 driven by its driver in a rash and negligent manner, dashed against the motorcycle thereby suresh fell down, right



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side wheel of the lorry ran over his head and he died on the spot. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The

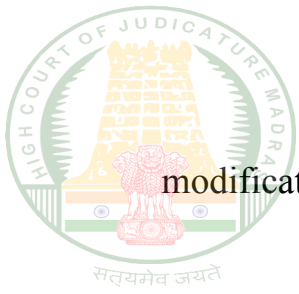
second respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation.

Challenging the quantum of compensation claimants filed this appeal.

3. The learned counsel for the appellant submits that the deceased was aged about 26 years at the time of the accident and he was owner cum driver of the car earned Rs.30,000/- per month but the tribunal has erroneously fixed Rs.13,000/- as notional income of the deceased which is very meagre and also the tribunal awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. Notice served on the respondents, none appeared.

5. Considering the fact that the accident was happened in the year 2017 and also considering the cost of living at the time of this accident and also considering his avocation, this Court is inclined to enhance the notional income of the deceased from Rs.13,000/- to Rs.18,000/-. Accordingly, the claimants are entitled to Rs.25,70,400/- $\{18000+7200 \times 12 \times 17 \times 1/2\}$. Except above



modification the award passed by the tribunal in other heads remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependency	Rs.18,56,400/-	Rs.25,70,400/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.80,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
5.	Transportation charges	Rs.6,500/-	Rs.6,500/-
	Total	Rs.19,75,900/-	Rs.26,89,900/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.26,89,900/-**. 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. 2383/2017 on the file of the Motor Accident Claims Tribunal, V Small Causes Court, 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. 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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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal, V Small Causes Court, Chennai.
2. The Section officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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