



WEB COPY

CROS.OBJ No. 18 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CROS.OBJ No. 18 of 2025

1. Kalaiyarasi

2.Priyadharshini

3.Minor Kirubakaran

S/o.Arumugam, rep. by guardian
mother 1st Respondent,

4.Navammal

Appellants

Vs

Ezhumalai

Respondent

CROS.OBJ No. 18 of 2025

PRAYER :- Cross Objections filed under Order 41 Rule 22 of Civil Procedure Code, praying to enhance the compensation amount awarded and set aside a fixation of 50 per cent contribution Negligent of claimant by the Motor Accidents Claims Tribunal, Special Principal District Judge, Villupuram, in MCOP No.427/2023, dt. 26.09.2024



WEB COPY



For Appellants: Mr.S.Elankumaran

For Respondent: Ms.R.Swathi For
Mr.R.Radhakrishnan

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.427 of 20230, the petitioners have preferred this Cross Objections seeking for enhancement of compensation.

2. The Cross Objectors are wife, daughter, son and mother of deceased Arumugam. The case of the Cross Objectors is that on 23.03.2023 at about 07.00 hours. when the deceased Arumugam was standing in a upper of tractor with trailor bearing Regn. No. TN-32 H-3886, at that time, the above said tractor diver suddenly moved the tractor in a rash and negligent manner, he was thrown out from the vehicle and caused an accident. Due to which, deceased Arumugam sustained multiple grievous injuries and vital parts of the body, for which he underwent treatment in the hospital, but inspite of treatment he died. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.50,00,000/-.

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

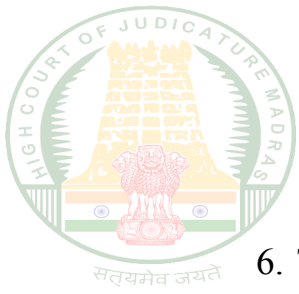


accident had taken place only due to the rash and negligent driving on the part of the respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.9,16,000/- after deduction of 50% of contributory negligence under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Total loss of income	17,55,000
2.	Funeral expenses	16,000
3.	Damages to cloths	16,000
4.	Loss of love and affection	44,000
	Total compensation awarded (by adding Sl. Nos. 1 to 6)	18,32,000
	Less :- 50% towards contributory negligence	9,16,000
	Net Compensation	9,16,000

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

5. The learned counsel for appellants would argue that the accident was happened in the year 2023, but without considering the cost of living and other fluctuation of price at that time, the tribunal ought to have been fixed as Rs.18,000/- by considering the income as Rs.600/- per day even he is an agricultural coolie. Hence, they prayed for enhancement of compensation.



WEB COPY

6. The learned counsel for respondent raised objections stating that the accident was happened due to negligence on the part of deceased Arumugam, who was standing on the top of paddy straw, which was loaded in the trailer of tractor in a careless manner, so by his own negligence, he fell down from the tractor. Therefore, there is no negligence on the part of driver of tractor and the deceased was an agricultural coolie and there is no documentary evidence produced to prove the income earned by him. Hence, the Tribunal had rightly fixed the notional income as Rs.15,000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for Cross Objectors as well as respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2023, even per day his income is to be considered as a sum of Rs.600/- and he would have earned a sum of Rs.18,000/- per month. Therefore, considering the cost of living as well as fluctuation of price at that time, this Court is inclined to enhance the notional monthly income of the deceased Arumugam from Rs.15,000/- to Rs.18000/-. 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:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Compensation for loss of dependency Rs.18000/- (add 25% future prospects) = 18000 + 4500 = 22500 22500 x 12 x 13 (multiplier) = 35,10,000 – 1/4 (8,77,500) = 26,32,500	17,55,000	26,32,500	enhanced
2.	Funeral expenses	16,000	16,000	confirmed
3.	Damages to cloths	16,000	16,000	confirmed
4.	Loss of love and affection	44,000	44,000	confirmed
	Total	18,32,000	27,08,500	enhanced
	Less : 20% of contributory negligence	9,16,000	5,41,700	
	Compensation awarded	9,16,000	21,66,800	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.9,16,000/- is enhanced to Rs.21,66,800/-. The respondent is directed to deposit the 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. Insofar as the enhanced compensation is concerned, the deficit court fee, if not



paid, shall be paid by the Cross Objectors. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

11. On such deposit of the enhanced compensation amount now determined by this Court, the Cross Objectors 1, 2 and 4 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. As far as the share of minor 3rd Cross Objector is concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor cross objector's mother, once in three months. Accordingly, this Cross Objections is disposed of. No costs.

15-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Motor Accident Claims Tribunal, Special Principal District Judge,
Villupuram.

2. Section Officer, VR Section, Madras High Court.



WEB COPY

CROS.OBJ No. 18 of 2025



T.V.THAMILSELVI J.

rpp

**CROS.OBJ No. 18 of
2025**

**15-07-2025
(2/2)**