



C.M.A.No.1287 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1287 of 2023

1.P.Selvi,
W/o.Panneerselvam,

2.Pannerselvam,
S/o.Thangavel,
Both are residing at
No.72/28,Perumal Koil Street,
Maduravoil, Chennai - 600 095.

...Appellants

Vs.

1.B.S.Gopi,
No.41, G2, Sundar Nagar,
Poonamalee, Chennai - 600 056.

2.The Oriental Insurance Co. Ltd.,
Mannaday Road, Oriental House,
Broadway, Chennai - 600 108.

...Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 29.09.2021 passed in M.C.O.P.No.4163 of 2018 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai.



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For Appellants : Mr.K.Varadha Kamaraj

For Respondents : Mr.M.Krishnamoorthy - R2
R1 - Left

J U D G M E N T

The appellants have filed this appeal seeking enhancement of the compensation awarded in M.C.O.P.No.4163 of 2018 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai, dated 29.09.2021.

2. The brief facts of the case of the appellants/claimants are as follows:

On 26.04.2018, at about 01.30p.m., the deceased was walking on Bangalore Highways at Sembarambakkam, which is opposite to Mini Star IDLRS Ltd. Company, at that time, a motorcycle bearing Registration No.TN-12-U-4613, owned by the 1st respondent, was driven in a rash and negligent manner and dashed against the deceased. As a result, he died on the spot due to fatal injuries. The accident occurred solely due to the rash and negligent driving of the motorcycle. The body of the deceased was



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taken to the Government Kilpauk Medical College Hospital, Chennai, for post-mortem examination.

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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.13,29,600/- as compensation. The 2nd respondent was directed to pay the said amount to the appellants, along with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.K.Varadha Kamaraj, learned counsel appearing for the appellants, and Mr.M.Krishnamoorthy, learned counsel appearing for the second respondent.

6. The learned counsel for the appellants contended that the



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deceased was working as a Loadman and was earning a sum of Rs.15,000/- per month. However, the Tribunal fixed the monthly notional income of the deceased as only Rs.8,000/-. Hence, the learned counsel prayed for enhancement of the compensation.

7. On the other hand, the learned counsel appearing for the second respondent submitted that the award passed by the Tribunal was based on well-settled legal principles applicable at the time and does not warrant any interference.

8. The deceased was working as a Loadman. However, the claimants did not produce any documentary evidence to substantiate the claim that the deceased was earning Rs.15,000/- per month. Considering the nature of employment and the lack of documentary proof, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.16,000/- would meet the ends of justice.

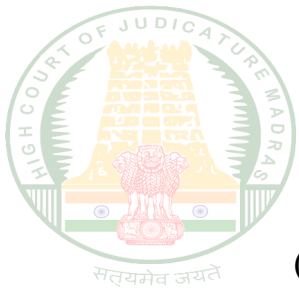


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9. As per the decision of the Hon'ble Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi and Others***, reported in **2017 (2) TNMAC 601**, 40% is to be added to the income towards future prospects. The deceased died leaving behind his parents as legal heirs. Hence, $\frac{1}{2}$ of the income is to be deducted towards his personal expenses. The deceased was aged 24 years at the time of the accident. As per the decision rendered in ***Sarla Verma and Others v. Delhi Transport Corporation and Another***, reported in **(2009) 6 SCC 121**, the appropriate multiplier is 18. The annual income would work out to a sum of Rs.24,19,200/- (Rs.16000 + 40% - $\frac{1}{2}$ x 18 = Rs.24,19,200/-).

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amount awarded by this Court under various heads:

<i>Sl. No</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal (Rs.)</i>	<i>Amount awarded by the High Court (Rs.)</i>
1.	Loss of dependency	12,09,600	24,19,200
2.	Loss of Estate	15,000	15,000
3.	Funeral Expenses	15,000	15,000
4.	Transport Expenditure	10,000	10,000



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(Ambulance)			
5.	Loss of Love and Affection to the petitioners 1 & 2 Rs.40,000/- each	80,000	80,000
Total		13,29,600	25,39,200

Thus, the compensation awarded by the Tribunal is enhanced from Rs.13,29,600/- to Rs.25,39,200/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.13,29,600/- to Rs.25,39,200/.

iii. The appellants/claimants are directed to pay the court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after receipt of the court fee.

iv. The second respondent, The Oriental Insurance Company Ltd., Chennai, is directed to deposit the enhanced compensation amount of



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Rs.25,39,200/ (after 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.4163 of 2018 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai, within a period of four weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the second respondent, the appellants/claimants are at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

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Speaking order / Non-Speaking order

Index : Yes / No

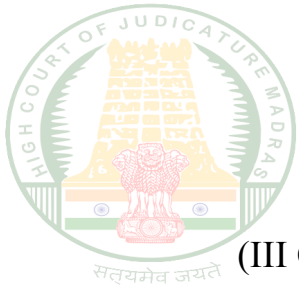
Neutral Citation : Yes / No

sri

To

1.The Motor Accident Claims Tribunal

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(III Court of Small Causes), Chennai.

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2.The Oriental Insurance Co. Ltd.,
Mannaday Road, Oriental House,
Broadway, Chennai - 600 108.

3.The Section Officer,
VR Section,
High Court of Madras.



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T.V.THAMILSELVI, J.,

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