



C.M.A.No.877 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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1.R.Manjula

2.L.Rajendiran

...Appellants

Vs.

1.A.S.Mohammed Manzoor

2.Reliance General Insurance Company Limited,

R.O. Legal Department, Reliance House,

6th Floor, No.6, Haddows Road,

Nungambakkam,

Chennai – 600 006.

...Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor

Vehicles Act, 1988, against the decree and judgment dated 22.12.2022

made in M.C.O.P.No.2698 of 2020, dated 22.12.2022, on the file of the

Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes),

Chennai.



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For Appellants : Mr.K.V.Varadha Kamaraj

For Respondents : Mr.M.L.Joseph for R1
for M/s.Chennai Law Associates

Mr.P.Suresh Srinivasan for R2

J U D G M E N T

This appeal is filed by the appellants challenging the judgment and decree dated 22.12.2022 passed in M.C.O.P.No.2698 of 2020 on the file of Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioners are the claimants, the first respondent is the owner of the vehicle and the second respondent is the Insurance Company before the Tribunal.



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4.The brief facts of the case are as follows:

On 24.08.2020 at about 14.30 hours, when the petitioner's son was travelling as a passenger in a car bearing Registration No.TN 13 Q 0786 from Pondicherry to Chennai, near TNSC Godown at Pullichampakkam bye-pass Road, the driver of the car, drove the vehicle in a rash and negligent manner and the car was capsized. Due to the accident, the petitioner's son sustained head injuries, severe multiple injuries and died on the spot. The petitioners filed a claim petition before the Tribunal in M.C.O.P.No.2698 of 2020, the Tribunal awarded a sum of Rs.12,35,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellants submitted that due to the accident, the appellant died on the spot, but the Tribunal awarded the compensation which is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent raised objection for allowing this appeal submitted that without income proof,



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the Tribunal fixed Rs.10,000/- per month as notional income of the deceased which is reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellants, learned counsel for the first respondent, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the first petitioner was examined as PW1, Mr.K.Mahaboob Basha, an eye witness to the accident was examined as PW2 and on the side of the petitioners, 13 documents were marked as Exs.P1 to P13. On the side of the respondents, no witness was examined and no document was marked.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.11,25,000/- for loss of income/dependency, Rs.15,000/- for loss of estate, Rs.80,000/- for loss of consortium, Rs.15,000/- for funeral expenses and arrived at a total compensation of



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Rs.12,35,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 40 years and was a bachelor at the time of the accident.

11.The amount awarded under various heads, in the opinion of this Court is just and reasonable and the same is confirmed except the amount awarded under the head loss of income/dependency, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said head. Accordingly, the amount awarded under the head loss of income/dependency is enhanced to Rs.20,25,000/- from Rs.11,25,000/-.

12.Considering the fact that the appellant died in the accident and the submission made by the learned counsel for the appellants, this Court is inclined to fix Rs.18,000/- as notional income of the deceased as well



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as 25% future prospects, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

(Rs.600/- per day x 30 days = Rs.18,000/- + 25% future prospects
=Rs.4,500/-; Rs.18,000/- + Rs.4,500/- = Rs.22,500/- x 12 x 15 multiplier
=Rs.40,50,000 - 1/2 deduction = Rs.20,25,000/-)

<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Loss of Income/ dependency	11,25,000/-	20,25,000/-
2	Loss of estate	15,000/-	15,000/-
3	Loss of consortium	80,000/-	80,000/-
4	Funeral expenses	15,000/-	15,000/-
	Total	12,35,000/-	21,35,000/-

13.The appellants/claimants are entitled to total compensation of Rs.21,35,000/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

14.The judgment and decree passed by the Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes), Chennai in



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M.C.O.P.No.2698 of 2020 dated 22.12.2022 is modified to the above extent.

15.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount, before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellants/claimants are permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

16.The appellants/claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellants/claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellants/claimants.



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17.The Civil Miscellaneous Appeal is partly allowed with the
above terms. No costs.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Motor Accidents Claims Tribunal,
(Chief Judge, Court of Small Causes), Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.
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