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CMA No. 1874 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1874 of 2025

Manimegala

Appellant

Vs

1. S.R.Kannan

2.M/s.National Insurance Co. Ltd.
No.66, Greems Road, Chennai-600006

3.P.Yuvaneswaran
S/o.Pachaiyappan,
Suo Motu impleaded on 27.08.2024

Respondents

PRAYER:-Civil Miscellaneous Appeal is filed under Sec.173 of Motor Vehicle Act, praying to set aside the Award dated 27.08.2024 made in MCOP.No. 2470 of 2020 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai so far as granting the lower amount of Rs.11,74,000/- and enhance the award amount



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For Appellant(s): Mr.K. Ayyadurai

For Respondent(s): Mr.R.Premchandar For R2

JUDGMENT

Challenging the impugned award by the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai in MCOP.No.2470 of 2020, the appellant/petitioner had preferred this Civil Miscellaneous Appeal.

2. The appellant is mother of deceased Palani. The case of the appellant is that on 21.06.2020 at about 13.30 hours, when the appellant's son was travelling as a pillion rider in a two wheeler bearing Regn. No. TN-70 BY-820 at Medavakkam Main Road towards Echangadu signal in front of Kovilambakkam barath petrol bunk, at that time, the rider of two wheeler drove it in a rash and negligent manner hit the center median of the road and caused an accident. Due to which, the deceased Palani sustained fatal injuries and died on the spot. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.30,00,000/-.

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 rider of the 3rd respondent. Having come to such a conclusion, the



Tribunal fixed the total compensation payable at Rs.11,74,000/- under various heads as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income/dependency	22,68,000
2.	Loss of estate	15,000
3.	Loss of consortium	40,000
4.	Funeral expenses	15,000
5.	Transportation charges including damages to personal belongings	10,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	23,48,000
	Less :- 50% towards contributory negligence	11,74,000
	Net Compensation	11,74,000

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 deceased was only a pillion rider, but without considering the same, the tribunal had erroneously fixed 50% of contributory negligence upon him. Hence, he prayed to set aside the findings rendered with respect to contributory negligence.



6. The learned counsel for 2nd respondent raised objections stating that the deceased was under the influence of alcohol and not wore helmet and also the rider of two wheeler not possessed valid license. Hence, the Tribunal had rightly fixed the contributory negligence upon him, which needs no interference.

7. Heard rival submissions of both learned counsel for appellant as well as 2nd respondents and perused the materials available on record.

8. On seeing the facts, it reveals that the deceased Palani was a pillion rider, however he has not wore helmet and he was also under the influence of alcohol. Therefore, considering the fact that the deceased was a pillion rider, this Court is inclined to modify the contributory negligence fixed upon him. Accordingly, it is reduced as 20% of contributory negligence upon the deceased. Furthermore, on perusal of records, it is seen that the accident was happened in the year 2020 and he was doing mobile service, from which he would have earned more than a sum of Rs.16,000/- per month. Therefore, this Court is inclined to enhance the notional monthly income of the deceased Palani from Rs.15000/- to Rs.16000/-. 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.)	Award confirmed or granted or enhanced
1.	For loss of income/dependency Rs.16,000/- (add 40% future prospects) = 16000 + 6400 = 22400 22400 x 12 x 18 (multiplier) = 48,38,400 – 1/2 = 24,19,200	22,68,000	24,19,200	enhanced
2.	Loss of estate	15,000	15,000	confirmed
3.	Loss of consortium	40,000	40,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Transportation charges including damages to personal belongings	10,000	10,000	confirmed
	Total	23,48,000	24,99,200	enhanced
	Less :- 20% contributory negligence	11,74,000	4,99,840	
	Net compensation	11,74,000	19,99,360	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.11,74,000/- is enhanced to Rs.19,99,360/-. The second respondent insurance company is directed to deposit the enhanced 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. On such deposit, the appellant is permitted to



withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. It goes without saying that the enhanced compensation that is paid by the Insurance Company can be recovered from the 3rd respondent as was ordered by the Tribunal.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

18-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

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



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T.V.THAMILSELVI J.

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