



C.M.A.No.2880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.2880 of 2025

Mrs.Jaya

... Appellant

vs.

1.K.Thandapany

2.United India Insurance Co. Ltd.,
Silingi Buildings, 4th Floor,
No.134, Greams Road,
Chennai-600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 18.12.2017 and made in M.A.C.T.O.P.No.3186 on the file of the Motor Accident Claims Tribunal / V Small Causes Court, Chennai.

For Appellant : Mrs.M.Malar

For Respondents :Mr.P.Sankara Narayanan [R2]

Notice Dispensed with for R1

JUDGMENT

This Appeal is focused on the Award dated 18.12.2017 made in M.C.O.P.No.3186 of 2015 on the file of MACT / V Court of Small Causes, Chennai for enhancement of compensation.

1/6



C.M.A.No.2880 of 2025

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

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3. The manner in which the accident occurred is not in dispute. Heard the rival contentions put forth by the learned counsels of both sides and perused the entire material records.

4. The only grievance of the claimant/appellant is that the notional income of the deceased fixed by the Tribunal as Rs.6500/- per month is inadequate and seeks for enhancement of compensation.

5. It is the evidence of PW1 that at the relevant point of time, the deceased was doing real estate business and supplying drinking water through cane and earning a sum of Rs.20,000/- per month. To substantiate the same, except oral evidence of PW1 no other document is marked. The accident occurred on 13.11.2014. As per Ex.P2, post-mortem certificate, the age of the deceased is taken as 33 years at the relevant point of time.

6. As per the law laid down by the Hon'ble Supreme Court in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in



C.M.A.No.2880 of 2025

2017 (2) TN MAC 609(SC), in case of self-employed persons for the persons below 40 years of age, then 40% is to be added with income as future prospects while computing loss of dependency.

7. As per the law laid down In **Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another** reported in **2009 (2) TN MAC 1 (SC)**, the relevant multiplier to be adopted is 16 and the deceased died leaving his mother as his dependent. Therefore 50% has to be deducted for personal and living expenses as he died as a bachelor.

8. In consideration of the above said details, following formula emerges for computation of loss of dependency:

$$\text{Rs.12,000/-} + 40\% - \frac{1}{2} \times 12 \times 16\text{m} = \text{Rs.16,12,800/-}.$$

9. Considering the age and income of the deceased, the amount awarded by the Tribunal, in respect of other heads, appears to be reasonable and acceptable and therefore needs no interference by this Court. Therefore, the Compensation awarded by the Tribunal is reworked and tabulated below:



C.M.A.No.2880 of 2025

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs.8,73,600/-	Rs.16,12,800/-	Enhanced
2	For Loss of Love and Affection	Rs. 40,000/-	Rs. 40,000/-	Confirmed
3	For Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	For Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
	Total	Rs.9,43,600/-	Rs.16,82,800/-	
	Rounded off to		Rs.16,83,000/-	

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.9,43,600/- to **Rs.16,83,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

11. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.9,43,600/- to **Rs.16,83,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.16,83,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till



C.M.A.No.2880 of 2025

the date of deposit, **(excluding the period of default, if any)** to the credit of M.C.O.P.No.3186 of 2015 on the file before the Motor Accident Claims Tribunal, V Small Causes Court, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant/claimant is at liberty to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

17.10.2025

Index : Yes/No
Speaking / Non-speaking order
ssn



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C.M.A.No.2880 of 2025

R.KALAIMATHI, J.,

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To:

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

C.M.A.No.2880 of 2025

17.10.2025