



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2875 of 2023

1. C. Anarkali Bibi

W/o. Late Chhurman Fakir, No.126, Sri
Sakthi Nagar, Arumbakkam, Chennai-
600 126. Premanently residing at.
Dharmada Purbapara, Dharmada
Nakshipara, Nadia, West Bengal-741
138.

2. Salma Kathun

D/o. Late Chhurman Fakir, No.126, Sri
Sakthi Nagar, Arumbakkam, Chennai-
600 126. Premanently residing at.
Dharmada Purbapara, Dharmada
Nakshipara, Nadia, West Bengal-741
138.

3. C.Rajib Fakri

S/o. Late Chhurman Fakir, No.126, Sri
Sakthi Nagar, Arumbakkam, Chennai-
600 126. Premanently residing at.
Dharmada Purbapara, Dharmada
Nakshipara, Nadia, West Bengal-741
138.



CMA No. 2875 of 2023



Appellant(s)

Vs

WEB COPY

1. S.Sundara Vadivel
S/o. C.Subramaniam, Old No.114, New
No.50, Vanoil Mandram Street,
Urappakkam, Kanchipuram District-
603 202.

2..Reliance General Insurance Co. Ltd.,
Reliance House, R.O.Legal
Department, 6th floor, Haddows Road,
Nungambakkam, Chennai-600 006

Respondent(s)

CMA No. 2875 of 2023

PRAYER

To enhance the amount awarded in MCOP. No.6651 of 2015 on the file of Motor Accident Claims Tribunal, (VI Small Causes Court), Chennai, dated 14.09.2021.

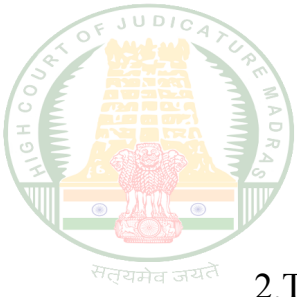
CMA No. 2875 of 2023

For Appellant(s): K.Varadhakamaraj

For Respondent(s): M/s. P. Suresh Srinivasan For R2
R1 Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MCOP. No.6651 of 2015 on the file of Motor Accident Claims Tribunal, (VI Small Causes Court), Chennai(in short "tribunal").



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2. The brief facts of the case:

On 09.07.2015 at about 11.45 hours, when the deceased standing in the left side of the Urapakkam Karanai Pudhuchery to Urapakkam side near Periyar Nagar, at the time a motorcycle bearing registration No.TN-19-C-1770, driven by its rider, very rash and negligent manner endangering to public safety and hit against the deceased. Consequently the deceased sustained severe multiple injuries taken treatment in Government Medical College Hospital, Chengelpet and also taken inpatient treatment in SRM Medical College Hospital and Research Centre, Potheri, from 10.07.2015. treatment gone vein and died in the same hospital on 14.07.2015 at 22.10 hours. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The insurance company alone contested the case by filing counter. On considering the oral and documentary evidence the tribunal awarded a sum of Rs. 17,43,500/- as compensation.

3. The learned counsel for the claimants submit that the deceased has earned Rs.750/- per day but the tribunal has fixed only Rs.12,000/- as monthly



income. Further, the deceased was aged about 33 years at the time of the

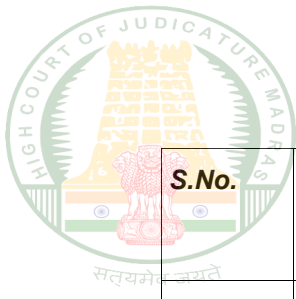
accident but the tribunal erroneously fixed 13 multiplier instead of 16. Hence,

he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the fact at that the accident was happened in the year 2015 and also prevailing cost of living at the time of accident, this Court is inclined to fix Rs.14,000/- per month as income of the deceased. Further, this Court is inclined to enhance Rs.1,20,000/- for loss of consortium and delete the award amount for love and affection.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.14,56,000/-	Rs.25,08,800/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.40,000/-	Rs.1,20,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.15,000/-	Rs.15,000/-
6.	Medical expenses	Rs.50,000/-	Rs.50,000/-
7.	Attender charges	Rs.2,500/-	Rs.2,500/-
8.	Love and affection	Rs.1,50,000/-	Nil



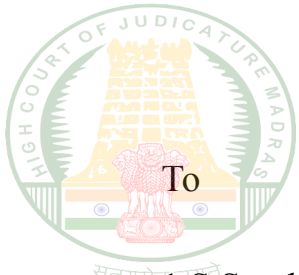
S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
	Total	Rs.17,43,500/-	Rs.27,26,300/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.27,26,300/-. The 2nd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP. No.6651 of 2015 on the file of Motor Accident Claims Tribunal, (VI Small Causes Court), Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

20-06-2025

pbl



To

1.S.Sundara Vadivel

S/o. C.Subramaniam, Old No.114, New
No.50, Vanoil Mandram Street,
Urappakkam, Kanchipuram District-
603 202.

2..Reliance General Insurance Co. Ltd.,
Reliance House, R.O.Legal
Department, 6th floor, Haddows Road,
Nungambakkam, Chennai-600 006.

3. The Section Officer, V.R Section,
High Court, Madras.

4. The Motor Accident Claims
Tribunal, (VI Small Causes Court),
Chennai.



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T.V.THAMILSELVI J.
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