



WEB COPY

CMA No. 2777 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2777 of 2024

1. SHEBIJAPAMANI

W/o.Stephen Raj, No.1/66, Madhakoil
Street, Othikkadu(V), Thiruvallur 602
021.

2. Mr.Albert

S/o.Murali, No.1/66, Madhakoil Street,
Othikkadu(V), Thiruvallur 602 021.

Appellant(s)

Vs

1. Pasupuleti Srinivasalu

S/o.Pasupuletisingaiah, No.1/107,
Vidyanagar, 4th Line, Mulaguntapadu,
Singarayakonda, Prakasam 623 101.

2.The Manager

New India Asurance Company Ltd.,
Motor T.P.Claims, No.232, 6th Floor,
NSC Bose Road, Chennai 600 001.

3.Pasupuleti Srinivasalu

S/o.Pasupuletisingaiah, No.1/107,



Vidyanagar, 4th Line, Mulaguntapadu,
Singarayakonda, Prakasam 623 101.

4.The Manager

Magma HDI General Insurance
Company Ltd., Motor T.P.Claims,
No.600, Nelson Manickam Road,
Amnjikarai, Chennai 600 094.

5.Murali @ Muralidass

S/o.Vaali, NO.3, Meraji Desai Cross
Street, Choolaipuram, Annai
Arivalayamnagar, MGR Nagar,
Chennai 600 078.

Respondent(s)

CMA No. 2777 of 2024

PRAYER

To allow appeal and to enhance the amount awarded in MCOP No.61 of 2021 on the file of Motor Accident Claims Tribunal (Special District Court Deal with MCOP Cases No.1, Thiruvallur) as prayed for with interest and cost.

CMA No. 2777 of 2024

For Appellant(s): U. Chithambaram

For Respondent(s): M/s.S.Dhakshnamoorthy For R2
R-4 - No Appearance R5-no
Such Person R1 And R3 - Tapal
Not Yet Returned Either Served
Or Unserved



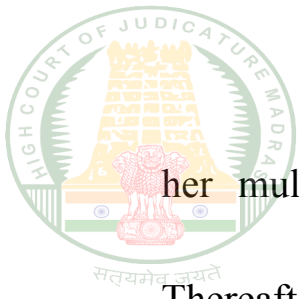
JUDGEMENT

WEB COPY

This Civil Miscellaneous Appeal has been filed to to enhance the amount awarded in MCOP No.61 of 2021 on the file of Motor Accident Claims Tribunal (Special District Court Deal with MCOP Cases No.1, Thiruvallur) (in short "tribunal").

2. The brief facts of the case:

On 19.09.2019 at about 6.45pm in Tiruvallur to Redhills road near Ikkadu Kandigai village bus stop, opposite to Naidu Tiffin shop, Bommi was riding in the pillion in Honda Unicorn motor cycle bearing registration No.TN-20-CR-4332 driven by the Albert, her son on the extreme left side of the road during which, a lorry bearing registration No.AP-27-TX-2142 heading in the same direction came in a rash and negligent manner and while trying to overtake the motor cycle hit and knocked down the vehicle due to which Bommi was thrown out on the left side of the road and at the same time another lorry bearing registration No. AP-27-UB-6858 heading in the same direction came in a rash and negligent manner ran over caused



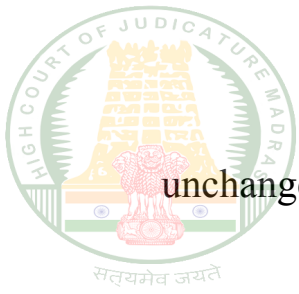
her multiple and crush injuries resulting in her death on the spot.

Thereafter, the claimant filed the petition before the tribunal claiming compensation. The Insurance companies/respondents 2&4 contested the case by filing counter. Challenging the quantum of compensation, the claimants preferred this appeal.

3. The learned counsel for the claimants submit that the accident was happened in the year 2019 but the tribunal fixed Rs.8,700/- as notional income of the deceased. Hence, he prays to enhance the compensation.

4. The learned counsel for the insurance companies submit that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the fact that the accident was happened in the year 2019 and also considering the cost of living at the time of the accident, this Court is inclined to enhance the notional income of the deceased from Rs.8,700/- to Rs.15,000/-. Accordingly, the claimants are entitled to Rs. 21,00,000/- $\{18750 \times 12 \times 14 - (1/3)\}$ under the head of loss of dependency. Except above modification, the award passed by the tribunal remain



unchanged.

WEB COPY

CMA No. 2777 of 2024



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.12,18,000/-	Rs.21,00,000/-
2.	Loss of estate	Rs.15,000/-	RS.15,000/-
3.	Loss of consortium	Rs.80,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Nil	Nil
	Total	Rs.13,28,000/-	Rs.22,10,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. Rs.22,10,000/-. The 4th 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.61 of 2021 on the file of Motor Accident Claims Tribunal (Special District Court Deal with MCOP Cases No.1, Thiruvallur), 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. In so far as the



enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s). Interest for delay period is waived.

WEB COPY

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

23-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

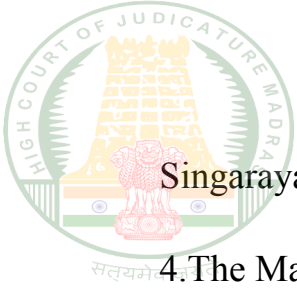
CMA No. 2777 of 2024

To

1. Pasupuleti Srinivasalu
S/o. Pasupuletingaiah, No.1/107,
Vidyanagar, 4th Line, Mulaguntapadu,
Singarayakonda, Prakasam 623 101.

2. The Manager
New India Assurance Company Ltd.,
Motor T.P. Claims, No.232, 6th Floor,
NSC Bose Road, Chennai 600 001.

3. Pasupuletingaiah
S/o. Pasupuletingaiah, No.1/107,
Vidyanagar, 4th Line, Mulaguntapadu,



Singarayakonda, Prakasam 623 101.

4.The Manager

Magma HDI General Insurance
Company Ltd., Motor T.P.Claims,
No.600, Nelson Manickam Road,
Amnjikarai, Chennai 600 094.

5.Murali @ Muralidass

S/o.Vaali, NO.3, Meraji Desai Cross
Street, Choolaipuram, Annai
Arivalayamnagar, MGR Nagar,
Chennai 600 078.

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

7. The Motor Accident Claims Tribunal
(Special District Court Deal with
MCOP Cases No.1, Thiruvallur)



WEB COPY

CMA No. 2777 of 2024



T.V.THAMILSELVI J.
pbl

CMA No. 2777 of 2024

23-06-2025