



WEB COPY

CMA No. 1414 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1414 of 2025

1. SELVARAJ

S/o.Subbrayan, No.54, Anna Street,
Poompozhi Nagar, Avadi, Chennai-62.
and 2 Others

2. Shanmugapriya,

W/o.Venkatesan, No.54, Anna Street,
Poompozhi Nagar, Avadi, Chennai-62

3. Thiyagaraj,

S/o.Selvaraj, No.54, Anna Street,
Poompozhi Nagar, Avadi, Chennai-62

Appellant(s)

Vs

1. Velayutham.M

No.46, Umperson Street, Broadway-
600 103.

2.The Manager,

United India Insurance Company
Limited., No.134, Silling Building,
Greens Road, Chennai-6.



Respondent(s)

CMA No. 1414 of 2025

WEB COPY

PRAYER

To enhance the award passed in MCOP.No.181 of 2018, dated 29.01.2024, on the file of Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.

CMA No. 1414 of 2025

For Appellant(s): R.Navaneetha Krishnan
P.C.Ramprasad

For Respondent(s): M/s. R. Vijaya Kamala For R2
Vide C/o Dt 30/04/2025 (in Sr
Stage)
R1 - Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award passed in MCOP.No.181 of 2018, dated 29.01.2024, on the file of Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai(in short "tribunal").

2. On 05.07.2017 at about 10.00 hours when the deceased was going as a pillion rider in Motor Cycle bearing registration number Tamil Nadu-12-L-1683 at CTH Road, Avadi Bus Depo, from East to West direction at that time a lorry bearing registration No. Tamil Nadu 01-P-9481 proceeding in the same road and



from same direction was driven in a rash and negligent manner at high speed hit the deceased, due to which, the deceased was sustained greivous injuries and thereafter died in the hospital on 05.07.2017. Hence, the claimant filed the petition before the tribunal claiming Rs.40,00,000/- as compensation. The second respondent/Insurance company contested the case. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs.12,20,000/- as compensation. Challenging the quantum of compensation, the claimant filed the appeal.

3. The learned counsel for the appellant/claimant submits that the deceased was working as a coolie earned Rs.500 per day. But the tribunal erroneously fixed Rs.8,000/- as notional income of the deceased and also awarded very meagre amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the contesting respondent raised strong objection to enhance the compensation.

5. Considering the fact that the accident was happened in the year 2017 hence this Court is inclined to enhance the notional income of the deceased



from Rs.8,000/- to 15,000/-. Accordingly, the claimant is entitled to

Rs.19,50,000/-(18750x12x13x2/3) under the head of dependency. Except above

enhancement, awarded passed by the tribunal in other heads needs no

interference. Further, the first respondent has violated the policy condition

therefore the tribunal has rightly ordered the second respondent to pay the

compensation and given liberty to recover the same from the first respondent.

Therefore, the pay and recovery ordered by the tribunal is confirmed.

S.No	Heads	Compensation awarded by the tribunal	Compensation awarded by this Court
1.	Loss of dependency	Rs.10,40,000/-	Rs.19,50,000/-
2.	Loss of consortium	Rs.1,44,000/-	Rs.1,44,000/-
3.	Loss of Estate	Rs.18,000/-	Rs.18,000/-
4.	Funeral expenses	Rs.18,000/-	Rs.18,000/-
	Total	Rs.12,20,000/-	Rs.21,30,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. 21,30,000/-. 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.181 of 2018, on the file of Motor Accident Claims Tribunal, II



Judge, Court of Small Causes, Chennai., within a period eight weeks from the date of receipt of a copy of this judgement and recover the same from the first

WEB COPY

respondent. On such deposit, the claimants are 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).

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

03-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1414 of 2025

WEB COPY

To

1.Velayutham.M

No.46, Umperson Street, Broadway-
600 103.

2.The Manager,

United India Insurance Company
Limited., No.134, Sillingi Building,
Greems Road, Chennai-6.

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

4. The Motor Accident Claims
Tribunal, II Judge, Court of Small
Causes, Chennai.



WEB COPY

CMA No. 1414 of 2025



T.V.THAMILSELVI J.
pbl

CMA No. 1414 of 2025

03-07-2025