



C.M.A.No.1209 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI,J.**

C.M.A.No.1209 of 2022

1.Ramani

2. M. Seeman

...Appellants

Vs.

1. M/s. Great Lakes Institute of Management,

No. 111, 2nd Floor, NPL Devi Buildings, L.B. Road,

Thiruvanmiyur, Chennai 600 041

(Since R1 remained *ex parte* before the Tribunal, his presence may be dispensed with.

2. The HDFC ERGO General Insurance Co. Ltd.,

RR Towers-II, 2nd Floor, No.94/95

T.V.K. Industrial Estate, Guindy.

Chennai 600 032

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the judgment and decree dated 02.03.2022 made in M.A.C.T.O.P. No. 4789/2019 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.



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For Appellants : Mr.F.Terry Chella Raja
For Respondents : Mr.S. Arun Kumar for R2
No Appearance for R1

JUDGMENT

The above Civil Miscellaneous Petition is directed against the judgment and decree dated 02.03.2022 in M.A.C.T.O.P. No. 4789/2019 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

2. The minor son of the claimants/appellants died in an accident which occurred on 25.10.2019. A compensation of Rs.30,00,000/- was claimed before the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

3. The Tribunal has awarded a compensation of Rs.6,35,000/- with interest at the rate of 7.5% per annum. Aggrieved by the quantum of compensation, the claimants/appellants have preferred this appeal for enhancement of compensation.



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4. Though several grounds have been raised in the Memorandum of Appeal, the learned counsel for the claimants/appellants specifically stated that at the time of accident, the deceased was aged about 14 years and was a student studying IX standard. Added to it, the learned counsel submitted that the deceased was highly brilliant and intelligent who had a bright future, but, unfortunately died in the said accident. The Tribunal, however, failed to consider the same and awarded a sum of Rs.6,35,000/- as compensation which is very low. Hence, he prayed to fix the monthly income of the deceased at the rate of Rs.9,000/-, placing reliance on the judgment rendered by the Hon'ble Division Bench of this Court in the case of ***P. Revathi & another vs. R.Karpagavalli and another*** reported in ***CDJ 2023 MHC 7620***, in which a sum of Rs.9,000/- was fixed as a monthly income for a deceased minor child.

5. On the other hand, the learned counsel appearing for the second respondent/Insurance Company submits that the Hon'ble Supreme Court in ***Rajendra Singh and others vs. National Insurance Co. Ltd., and others*** reported in ***2020 ACJ 2211***, fixed the notional monthly income of a deceased

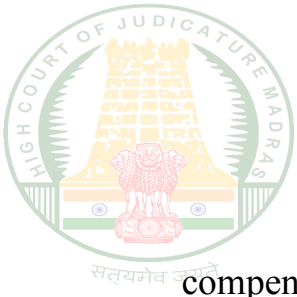


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minor at the rate of Rs.5,000/-. In the present case, the Tribunal has fixed the notional monthly income of the deceased minor at the rate of Rs.3,000/-. He, therefore, fairly submitted that applying the principle laid down by the Hon'ble Supreme Court in the abovesaid case, this Court can fix the notional monthly income of the deceased minor at the rate of Rs.5,000/-.

6. I have considered the submissions made on behalf of the parties. It is not in dispute that the deceased minor was a school going child aged about 14 years and that he had died prematurely due to the accident at a very tender age for no fault of him even before he could start his life. It is true that there could be no fixed formula on the basis of which notional monthly income could be calculated in respect of a child aged about 14 years. However, it is settled preposition that though in the case of death of a minor child there may have been no actual pecuniary benefit derived by the parents during the child's lifetime, it may not necessarily bar the claim of the parents and prospective loss will be found to be a valid claim, provided the parents establish that they had a reasonable expectation of pecuniary benefits if the child had lived. Therefore, the determination of a just and proper



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compensation to the claimants/appellants with regard to the deceased child, in entirety of the facts and circumstances of the case, persuade this Court to enhance the same fixed by the Tribunal from Rs.3,000/- to Rs.7,000/- with an addition of 40% towards future prospects would be just and equitable in the circumstances of the case.

7. Loss of dependency is reworked, on the basis of the above, as follows:

Calculation

Notional Income = Rs.7,000/-

40% Future Prospects = Rs.9,800/-

After 1/2 deduction = Rs.4,900/-

Loss of dependency

= Rs.4,900/- x 12 x 15

= Rs.8,82,000/-

The compensation awarded under the head of loss of consortium and funeral expenses awarded by the Tribunal are confirmed.



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follows:

8. The compensation awarded by the Tribunal is modified as

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of future dependency	5,40,000/-	8,82,000/-	enhanced
2.	Loss of consortium	80,000/-	80,000/-	confirmed
3.	Funeral expenses	15,000/-	15,000/-	confirmed
	Total	6,35,000/-	9,77,000/-	enhanced by 3,42,000

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.6,35,000/- awarded by the Tribunal is hereby enhanced to Rs.9,77,000/- (Rupees nine lakhs seventy seven thousand) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellants are directed to pay the Court fee, if any on the enhanced amount of compensation. The second respondent/Insurance Company is directed to deposit the enhanced award amount now determined



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by this Court along with interest and costs, less the amount already deposited, if any, within a period of twelve weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants are permitted to withdraw the enhanced award amount, along with interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. No costs.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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K.GOVINDARAJAN THILAKAVADI, J.

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To

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

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

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