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CMA No. 1288 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1288 of 2025

1. SHAKILA

2. Minor Vignesh

3. Minor Vetrимaran

Minor petitioners are rep by their
mother and Next Friend Shakila

4. Salammal

5. Ponnappillai

Appellants

Vs

1. Shanmugam T.S

2. Reliance General Insurance Co Ltd.

Plot No. 6, 6th Floor, Haddows Road,
Nungampakkam, Chennai 34

Respondents



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PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the award dated 22.08.2023 and made in M.A.C.T.OP No. 3326 of 2020 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge II, Court of Small Causes, Chennai

For Appellants: Mr.G.Dinesh

For Respondents: R1 - Notice Dispensed With
Mr.P.Suresh Srinivasan For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.3226 of 2020, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The claimants are wife, sons and parents of deceased. The case of the claimants is that on 07.11.2020 at about 11.30 p.m., when the deceased was riding his two wheeler bearing Regn. No. TN-45 E-8747 in Mathura Nallur HP petrol bunk opposite to Oragadam-Walajabad road, at that time, the driver of a bus bearing Regn. No. TN-21 AJ-1216 drove it in a rash and negligent manner , dashed the petitioner's two wheeler and caused an accident. Due to which, the deceased sustained multiple grievous injuries and died on the spot. Under these



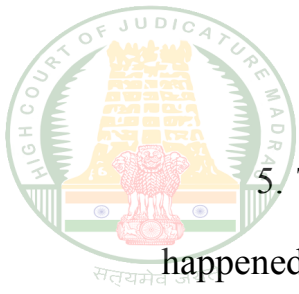
circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.49,00,000/-.

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3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.21,20,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	18,90,000
2.	Loss of consortium (Rs.40,000 x 5)	2,00,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Medical bills	Nil
	Total	21,20,000

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.



5. The learned counsel for appellants would argue that the accident was happened in the year 2020, but without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.12000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent raised objections stating that the deceased was a Mason and there is no proof for the income earned by him. Hence, the Tribunal had rightly fixed the notional income along with 25% of future prospects as Rs.15000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and respondents and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2020, even per day the income is to be considered as a sum of Rs.600/-, he would have earned Rs.18,000/-. Therefore, this Court is inclined to enhance the notional income of the deceased Thulasi from Rs.12000/- to Rs.18000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

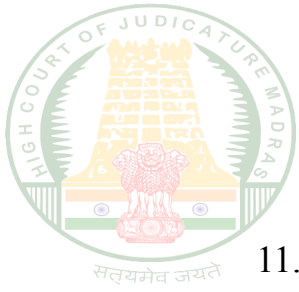


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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency (Rs.18000/- (add 25% future prospects) = 18000 + 4500 =22500 22500 x 12 = 27,00,000	27,00,000
2.	Loss of consortium (Rs.40,000 x 5)	2,00,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Medical bills	Nil
	Total	29,30,000

10. Accordingly, the compensation awarded by the tribunal at Rs.21,20,000/- is enhanced to Rs.29,30,000/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of this judgment.



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costs.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No

26-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, II Special Sub-Court, Court of Small Causes, Chennai.

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



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T.V.THAMILSELVI J.

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