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CMA No. 1575 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1575 of 2025

1. Cinnadayi

W/o. Rangan, Residing at 6/57
Beerpalli Village and Post, Shoolagiri
Taluk, Krishnagiri District

2. Gayathri

W/o. Sivakumar,D/o. Ragnan, No.1/55,
Velakalnatham, Tirupathur, Vellore

3. Venkatraj

S/o. Rangan,Residing at 6/57 Beerpalli
Village and Post, Shoolagiri Taluk,
Krishnagiri District

4. Vinukumar

S/o. Rangan, Residing at 6/57 Beerpalli
Village and Post, Shoolagiri Taluk,
Krishnagiri District

Appellant(s)

Vs

1. P.Govindaraj

S/o. Parasuraman, No.8/15, Alagappa



Street, Venkateswara Nagar, Ambattur,
Tiruvallur 600 053 and Permanently
residing at 1/11, Jingle Kathirampatti
Village and Post, Pochampalli Taluk,
Krishnagiri District

2.The Branch Manager,
ACKO GEN Ins.,Co., Ltd., At Unit
No.301 and 302,3rd Floor, F Wing,
Lotus Corporat park, Goregan(E),
Mumbai-400 003

Respondent(s)

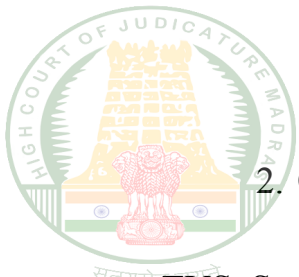
PRAYER: This Civil Miscellaneous Appeal has been filed under section 173 of Motor Vehicle Act, 1988, to enhance the compensation amount made in the order dated 18.10.2023 made MCOP No. 459 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri.

For Appellant(s): Mr.S.P.Yuaraj

For Respondent(s): Mr.B.Siva Kollapan For R2 R1 -
No Such Person

JUDGEMENT

This Civil Miscellaneous appeal has been filed to enhance the compensation amount made in the order dated 18.10.2023 made MCOP No. 459 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri.



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2. On 06.07.2020 at about 12.15 hours, the deceased was proceeding in TVS Super XL Two wheeler bearing registration No. TN 70 A 2104 from Sammalpallam Village. The deceased drove the said two wheeler slowly and cautiously on the left side of Krishangiri – Hosur NH road, when the deceased was proceeding near Devarkuttapalli Diversion Road on Krishnagiri to Hosur NH Road, a Bajaj Pulsar 150 Two wheeler bearing registration No. TN 18 U 42 69 driven by its rider came from the backside in a rash and negligent manner hit behind the deceased travelled two wheeler, due to which the deceased sustained severe head injury and taken to the hospital where he died. Thereafter, the claimants filed the petition before the tribunal claiming compensation. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation the claimants filed this appeal.

3. The learned counsel for the claimants submit that the deceased was a Mesthiri and agriculturist earned Rs.25,000/- per month but the tribunal has fixed only Rs.9,000/- as notional income of the deceased which is very meagre and also it awarded less amount in other heads. Hence, he prays to enhance the



compensation. On the other side, the learned counsel for the respondent submits that the claimants have not produced any material proof to prove the income of the deceased so the tribunal rightly fixed Rs.9,000/- as notional income of the deceased. Hence, he prays to dismiss this appeal.

4. Considering the fact that the accident was happened in the year 2020 and also considering the cost of living at the time of the accident this Court is inclined to fix Rs.15,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs. 13,36,500/-(15000+1500x12x9(-1/4)). Except above modification the award passed by the tribunal in other heads remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs.8,01,900/-	Rs.13,36,500/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.1,76,000/-	Rs.1,76,000/-
4.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
5.	Transportation charges	Nil	Nil
	Total	Rs.10,10,900/-	Rs.15,45,500/-

5. In view of the discussions made earlier, the compensation awarded by



the Tribunal is enhanced to **Rs. 15,45,500/-**. The second 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. 459 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimants are permitted to withdraw the award amount by making formal application 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).

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

29-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The MACT Tribunal, Special District Court, Krishnagiri.
2. The Section officer, V.R section, High Court, Madras.



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T.V.THAMILSELVI J.
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