



CMA.No.1052 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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1.Yuvarani

2.J.Sanjana-Minor

3.J.Duvaarakesh-Minor

(Minor appellantss 2 and 3 are rep. By
their next friend and natural guardian

Mrs.Yuvarani)

4.D.Kalavathi

... appellantss

Vs.

1.M/s.Deepak Agencies Pvt Ltd

No.325, 1st Floor, Linghi Chetty Street, Chennai-1

2.M/s.Reliance General Insurance Co. Ltd.

Reliance Tower, Haddows Road,
Chennai-06

... Respondent

Prayer: Civil Miscellaneous Appeal filed under 173 of Motor Vehicles Act, 1988, to enhance the amount awarded in MCOP No.1770/2021 dated 23.09.2024 on the file of Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai

For appellantss : Mr.K.Varadha Kamaraj



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JUDGMENT

Not satisfied with the quantum of compensation fixed by the Motor Accident Claims Tribunal, the claimants have come before this Court by way of this appeal.

2. It is the case of the appellants/ claimants that the husband of the first claimant, the father of the claimants 2 and 3 and the son of the 4th claimant namely Jayamaran died in a road accident that had taken place on 24-03-2021, involving the lorry belonged to the first respondent, insured with the second respondent. According to the claimants, the deceased was proceeding in his two-wheeler at Ponneri High Road. When he came near KGL Nagar Arch, Manali New Town proceeding from North to South direction, a lorry belonged to the first respondent, insured with the second respondent, came in a rash and negligent manner and dashed against the deceased. Due to the accident, the deceased sustained grievous injuries and died on the spot. Hence, the claim petition was filed seeking compensation of Rs.99,00,000/-



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3. The first respondent, the owner of the lorry, remained ex-parte before the Tribunal and the claim petition was resisted by the second respondent, the insurer of the lorry, by denying the averments found in the claim petition with regard to the manner of accident.

4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the lorry and accordingly held both the first and second respondents are jointly and severally liable to meet the award. The compensation payable to the claimants was quantified at Rs. 79,68,000/-. Not satisfied with the quantum of compensation, the claimants have come by way of this appeal.

5. The learned counsel for the appellants submitted that the monthly income of the deceased fixed by the Tribunal at Rs.41,000/- is not in accordance with the documentary evidence available on record. Therefore, it requires enhancement.



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6. It is seen from the award passed by the Tribunal that in order to prove the income of the deceased person, the claimants marked his income tax returns for the assessment year 2019-2020 and 2020-2021. As per the income tax returns for the assessment year 2019-2020, the total income of the deceased was Rs.4,25,430/- and the total tax payable for the relevant year was Rs.9,123/-.As per the income tax returns for the assessment year 2020-2021, the total income of the deceased was Rs. 6,04,410/- and the total tax payable for the relevant year was Rs.34,717.

7. The Tribunal rightly taken into consideration the average income and after deduction of the tax payable on the average income, fixed the monthly income of the deceased at Rs.41,000/-. On proper appreciation of documentary evidence available on record, the Tribunal fixed the monthly income at Rs. 41,000/-. In these circumstances, the submission made by the learned counsel for the appellants that the monthly income fixed by the Tribunal is not in accordance with the law is not acceptable to this court. The amount awarded by the Tribunal under



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the conventional damages are in accordance with the law laid down in *Pranay Sethi* case. Accordingly, I do not find anything to interfere with the findings rendered by the Tribunal with regard to the quantum of compensation. Therefore, the Civil Miscellaneous Appeal stands dismissed. No costs.

15.04.2025

Index:Yes/No
Internet:Yes/No
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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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S.SOUNTHAR, J.

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