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CMA No. 2187 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2187 of 2025

1. Devi

2.P.Pugazanthi - Minor

3.P.Monashkumar - Minor

(Minor Appellants 2 and 3 are rep. by
their mother Devi as natural guardian)

4. Chinnammal

Appellants

Vs

1. Solai Trans Carrier

No.76/141, II Floor, Coral Merchant
Street, Chennai 01

2.United India Insurance Co Ltd

Silingi Building, 4th Floor, No.134,
Greens Road, Chennai 06

Respondents



PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the award against the Judgment and decree dated 26.02.2024 and made in MACTOP No.2820 of 2021 on the file of the Motor Accident Claims Tribunal, Chennai, Chief Judge, Court of Small Causes, Chennai.

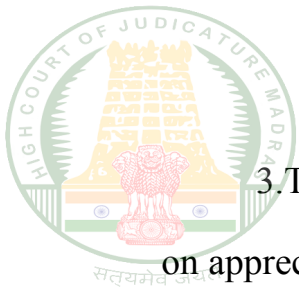
For Appellants: Ms.N.Lavanya
For Mrs.M.Malar

For Respondents: Mr. S. Dhakshnamoorthy For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.2820 of 2021, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, sons and mother of deceased Parthiban. The case of appellants is that on 17.04.2021 at about 19.45 hours, when the deceased was riding his two wheeler bearing Regn. No. TN-21 AU-5257 at Singaperumal Koil Oragadam Road, near VLS Crusher, Dasari Kunnathur Road Junction, Chengal District, the driver of a container lorry bearing Regn. No. TN-04-AU-7086 drove it in a rash and negligent manner rammed against the deceased two wheeler and caused an accident. Due to which, the deceased sustained fatal 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.45,00,000/-.



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 driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.30,35,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	28,35,000
2.	Loss of estate	15,000
3.	Loss of consortium	1,60,000
4.	Funeral expenses	15,000
5.	Transport charges	10,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	30,35,000

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 2021 and he was a driver in Greater Chennai Corporation, Nanganallur Zone and earning a sum of Rs.36,000/- per month, but without considering the same as well as without considering cost of living at that time,



the tribunal had fixed the notional income as Rs.18000/-. Hence, they prayed for enhancement of compensation.

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6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 42 years and there is no proof produced on the side of appellants for the income derived by him and he is only a temporary driver in the Chennai Corporation. Hence, the Tribunal had rightly fixed the notional income as Rs.18,000/- as such is reasonable one, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2021 and the deceased was employed only as temporary driver in Greater Chennai Corporation and earned a sum of Rs.36,000/- per month at the time of accident, but there is no documentary proof produced. However, considering the fact that he was the breadwinner of family and maintaining his family consisting of four members, who are appellants herein and also the fact that he was employed as a Driver in Greater Chennai Corporation, thereby he would have earned a sum of Rs.19,000/- per month and considering the cost of living at that time, this Court is inclined to enhance the notional income of the deceased Parthiban from Rs.18,000/- to Rs.19,000/-. The compensation that has been



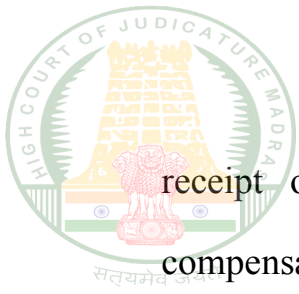
fixed under the other heads are reasonable and does not require the interference of this Court.

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

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.19,000/- (add 25% future prospects) = 19000 + 4750 = 23750 23750 x 12 x 14 (multiplier) = 39,90,000 – 1/4 (9,97,500) = 29,92,500	28,35,000	29,92,500	enhanced
2.	Loss of estate	15,000	15,000	confirmed
3.	Loss of consortium	1,60,000	1,60,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Transport charges	10,000	10,000	confirmed
	Total	30,35,000	31,92,500	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.30,35,000/- is enhanced to Rs.31,92,500/-. 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 copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 4 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. 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.

11. As far as the share of minor appellants viz., 2nd and 3rd appellants are concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellants' mother, once in three months.

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

12-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Chief Judge, 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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