



WEB COPY

CMA No. 2150 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2150 of 2025

1. THANGAMANI

S/o. Ellappan, No. 30, Kamarasar
Nagar, Mamandur, Kanchipuram
District, 603 111

2. Umapathi

W/o. Thangamani No. 30, Kamarasar
Nagar, Mamandur, Kanchipuram
District, 603 111

Appellant(s)

Vs

1. K.Ulaganathan

S/o. Kuppusamy No. 42, Police Station
Street, Orathy, Cheyyur Tk,
Kanchipuram Dist. 603307

2.Cholamandalam MS General

Insurance Co Ltd.
Shah Wallace Building, 2nd Floor,
Thambu Chetty Street, Chennai 001

Respondent(s)

CMA No. 2150 of 2025

PRAYER

To set aside the award against the Judgment and Decree dated 06-07-2024 and made in MACTOP.No.3942/2021 on the file of the Motor Accident Claims Tribunal, (Special Sub Court I, Motor Accidents Claims Petitions) Small Causes Court, Chennai and thus render justice

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For Appellant(s): Ms.N.Lavanya For Mrs.M.Malar

For Respondent(s): Mrs. R. Sreevidhya For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the award against the Judgment and Decree dated 06-07-2024 and made in MACTOP.No.3942/2021 on the file of the Motor Accident Claims Tribunal, (Special Sub Court I, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

2. On 17.08.2021 at about 02.30 hours, when the deceased was driving a lorry bearing registration No. TN 22 BA 6662, from Madurandagam to Chennai, at that time the deceased dashed behind the lorry bearing registration No. TN 11 T 0967, which was parked at Maraimalai Nagar, opposite of Indian Oil Petrol Bunk, on the mid of the road without indicating any light and signal, due to which he sustained injuries and died on the spot. Thereafter, the claimants filed the petition before the tribunal claimaing compensation and second respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the award passed by the tribunal the claimants filed this appeal.

3. The learned counsel for the claimants/appellants submit that the tribunal has awarded very less amount in all heads and also fixed 15% towards contributory negligence on the part of the deceased without considering the evidence of eyewitness. Further, he submits that the deceased was working as



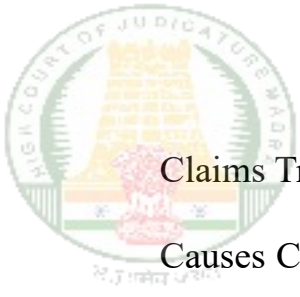
driver and earned Rs.40,000/- per month but the tribunal has fixed only Rs.12,500/- as notional income of the deceased which is very meagre. Hence, he prays to enhance the compensation.

4. The learned counsel for the 2nd respondent submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the cost of living at the of time of the accident, this court is inclined to fix Rs.17,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs. 24,27,600/- (17,000+6800x12x17-1/2) under the head of loss of dependency. 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.17,85,000/-	Rs.24,27,600/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.80,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.5,000/-	Rs.5,000/-
	Total	Rs.19,00,000/-	Rs.25,42,600/-

6. After deducting 15% towards contributory negligence the claimant is entitled to Rs. 21,61,210/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. 21,61,210/-. The 2nd 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 MACTOP.No.3942/2021 on the file of the Motor Accident



Claims Tribunal, (Special Sub Court I, Motor Accidents Claims Petitions) Small Causes Court, Chennai., within a period eight weeks from the date of receipt of a copy of this judgement. The first appellant and second appellant are entitled to Rs.10,80,605/- each .On such deposit, the appellants/claimants are permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

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

21-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal, (Special Sub Court I, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

2. The Section Officer, V.R Section, High Court, Madras.



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