



WEB COPY

CMA No. 2201 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2201 of 2025

1. Selvi

Residing at Mel Lakkampatti Village,
Hanumantheertham Post, Uthangarai
Tk., Krishnagiri Dist., Now Residing at
Rajaji Nagar, Krishnagiri Town and
Dist.

2. Minor Rithish

S/o.Late Saravanan, Minor Rep by their
N.F Mother/Selvi, Residing at Mel
Lakkampatti Village,
Hanumantheertham Post, Uthangarai
Tk., Krishnagiri Dist., Now Residing at
Rajaji Nagar, Krishnagiri Town and
Dist.

3. Minor Pratish Krishna

S/o.Late Saravanan, Minor Rep by their
N.F Mother/Selvi, Residing at Mel
Lakkampatti Village,
Hanumantheertham Post, Uthangarai
Tk., Krishnagiri Dist., Now Residing at
Rajaji Nagar, Krishnagiri Town and
Dist.



4. Thavamani

W/o.Late Krishnan, Residing at Mel
Lakkampatti Village,
Hanumantheertham Post, Uthangarai
Tk., Krishnagiri Dist., Now Residing at
Rajaji Nagar, Krishnagiri Town and
Dist.

Appellant(s)

Vs

1. M.Meharaj Mohedeen
S/o.Mohideen Pitchai, No.36/1
Erusaladar Street, Saidapet, Vellore - 632
002.

2.The Divisional Manager
The New India Assurance Co.Ltd.,
Divisional Office, Pattulos Road,
Rajarajeswari Complex, No.638/1,
Ground Floor, RTO Road, Sattuvachari,
Vellore - 632 009.

Respondent(s)

CMA No. 2201 of 2025

PRAYER

To enhance the compensation amount and fix the entire liability on the 2nd Respondent made in order dated 25-03-2021 made in MCOP.No.551 of 2020 on the file of the MACT, Spl.Dist.Court for MACT, Krishnagiri

CMA No. 2201 of 2025

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



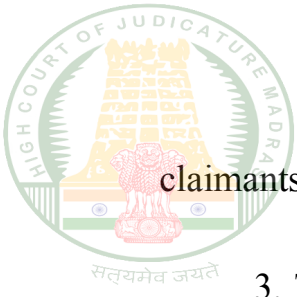
For Respondent(s): Ms.C.Bhuvana Sundari For R2

ORDER

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This Civil Miscellaneous appeal has been filed to enhance the compensation amount and fix the entire liability on the 2nd Respondent made in order dated 25-03-2021 made in MCOP.No.551 of 2020 on the file of the MACT, Spl.Dist.Court for MACT, Krishnagiri.

2. On 19.06.2019 the deceased was proceeding in his Bajaj Pltina Motor Cycle bearing registration No. TN 24 M 6689 on Harur to Uthangarai Road towards Uthangarai at about 04.15 p.m while the deceased was proceeding near Gandhi Nagar one Latchumikandhan house at Mampatti Village, the Maruti Suzuki LGV(NCP) super carry vehicle bearing registration No. TN 23 CH 6712 belonging to the first respondent and insured with the second respondent was driven by its driver in a rash and negligent manner dashed against the deceased motorcycle due to which he died. Thereafter, the claimants filed the petition before the tribunal claiming compensation and the second respondent contested the case. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging quantum of compensation, the



claimants filed this appeal.

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3. The learned counsel for the claimants submit that the deceased was a carpenter and earned Rs.50,000/- per month but the tribunal has fixed only Rs.9,000/- as notional income of the deceased and also awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the Insurance Company submits that the tribunal has rightly fixed the compensation which needs no interference. Hence, he prays to dismiss this appeal.

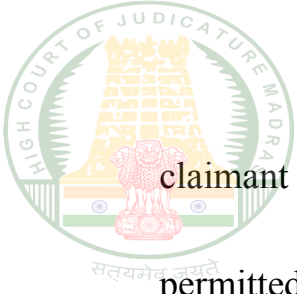
5. Considering the fact that the accident was happened in the year 2019 and the deceased was a carpenter. Hence, this Court is inclined to fix Rs.18,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs. 34,02,000/- (18,000+7200x12x15-1/4)under the head of loss of dependency. Further the accident is of the year 2019 hence this Court is inclined to enhance the amount awarded under the head of loss of estate, funeral expenses, and loss of consortium from Rs.15,000/- to Rs.16,500/-, from Rs.15,000/- to Rs.16,5000/- and from Rs. 1,60,000/- to Rs.1,76,000/-, respectively.



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S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs.17,01,000/-	Rs.34,02,000/-
2.	Loss of estate	Rs.15,000/-	Rs.16,500/-
3.	Loss of consortium	Rs.1,60,000/-	Rs.1,76,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.16,500/-
5.	Transportation charges	Nil	Nil
	Total	Rs.18,91,000/-	Rs.36,11,000/-

6. After deduction 10% toward contributory negligence, the claimants are entitled to Rs. 32,49,900/- In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 32,49,900/-**. 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 MCOP.No.551 of 2020 on the file of the MACT, Spl.Dist.Court for MACT, Krishnagiri, within a period eight weeks from the date of receipt of a copy of this judgement. The first claimant is entitled to Rs. 10,49,900/- and second and third claimants are each entitled to Rs.8,00,000/- and fourth



claimant is entitled to Rs. 6,00,000/-. On such deposit, the 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. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

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

12-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The MACT, Spl.Dist.Court for MACT, Krishnagiri.
2. The Section officer, V. R Section, High Court, madras.



WEB COPY

CMA No. 2201 of 2025





WEB COPY

CMA No. 2201 of 2025



T.V.THAMILSELVI J.
pbl

CMA No. 2201 of 2025

12-08-2025