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CMA No. 1197 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1197 of 2025

1. P.Rekha

W/o. Late B.Perumal, Res. at No. 204,
Gandhi Street, Kayarambedu Post,
Chengelpet District 603 202.

2. P.Pugazhenthii Minor

S/o. Late B.Perumal, Res. at No. 204,
Gandhi Street, Kayarambedu Post,
Chengelpet District 603 202. Rep. by
their mother and Next Friend 1st
Petitioner herein)

3. P.Sakthivel Minor

S/o. Late B.Perumal, Res. at No. 204,
Gandhi Street, Kayarambedu Post,
Chengelpet District 603 202.
(2nd and 3rd minors petitioners Rep. by
their mother and Next Friend 1st
Petitioner herein)

Appellant(s)

Vs

1. E.Nagammal

W/o. Elumalai, No. 211, Rajaganapathi



Koil Street, Kayarambedu Post,
Chengelpet Dt-603 202.

2. TATA AIG General Insurance Co Ltd
Samson Towers, No. 403, L.Pantheon
Road, Egmore Chennai-8

Respondent(s)

CMA No. 1197 of 2025

PRAYER

To allow this CMA by enhancing the compensation awarded in the Judgment and Decree dated 07.01.2025, passed in MCOP No. 1530 of 2022, on the file of the Motor Accident Claims Tribunal, Chennai (Chief Judge, Court of Small Causes, Chennai)

CMA No. 1197 of 2025

For Appellant(s): K.Balaji

For Respondent(s): Mr.J.Michael Visuvasam For R2
R-1 Service Awaited

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in the Judgment and Decree dated 07.01.2025, passed in MCOP No. 1530 of 2022, on the file of the Motor Accident Claims Tribunal, Chennai (Chief Judge, Court of Small Causes, Chennai).(in short "tribunal").

2. The brief facts of the case:

on 11.02.2022 at about 09.00, while the deceased was travelling as a



pillion rider in a Two wheeler bearing registration No.TN 19 AM 5950 in ECR

Road, Kovalam to Chennai near Muttukadu Check Post, at that time the rider of the above said Two Wheeler driven by its rider in a rash and negligent manner, lost his control and skidded. Due to the impact the deceased sustained grievous head injuries and died on 15.02.2022 at Hospital despite treatment. Thereafter, the claimants filed the petition before the tribunal claiming compensation of Rs.49,00,000/-. The second respondent contested the case. On Considering the oral and documentary evidence the tribunal awarded a compensation of Rs.25,75,000/-. Challenging quantum of the compensation the claimants preferred this appeal.

3. The learned counsel for the appellant submits that the deceased was working as a carpenter and earned Rs.20,000/- per month but the tribunal erroneously fixed Rs.15,000/- as monthly income. Hence, he prays to enhance the compensation.

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



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5. Considering the fact that the accident was happened in the year 2022 and also the cost of living, this Court is inclined to enhance monthly income from Rs.15,000/- to Rs.18,000/-. Further the deceased was age about 40 years at the time of the accident hence this Court is inclined to enhance future prospects from 25% to 40%. Except above modification, award passed by the tribunal in other heads remains unchanged.

$(18,000 + 7200 \times 15 \times 12 \times 2/3 = 31,99,000)$

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.24,00,000/-	Rs.30,24,000/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.1,32,000/-	Rs.1,32,000/-
4.	Funeral expenses	Rs.16500/-	Rs.16,500/-
5.	Transportation charges	Rs.10,000/-	Rs.10,000/-
	Total	Rs.25,75,000/-	Rs.31,99,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.31,99,000/-. 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 , within



a period eight weeks from the date of receipt of a copy of this judgement. On

such deposit, the appellant/claimant is 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.

13-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.E.Nagammal

W/o. Elumalai, No. 211, Rajaganapathi
Koil Street, Kayarambedu Post,
Chengelpet Dt-603 202.

2.TATA AIG General Insurance Co Ltd
Samson Towers, No. 403, L.Pantheon
Road, Egmore Chennai-8.

3. The section officer, V.R Section,
High Court, Madras.

4. The Motor Accident Claims Tribunal,
Chennai (Chief Judge, Court of Small
Causes, Chennai)



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T.V.THAMILSELVI J.
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