



WEB COPY

CMA No. 1905 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1905 of 2025

1. KALYANI

W/o. Jeganathan, No. 6/13, Anna
Veedhi 1st Street, M.G.R.Nagar,
Kalaighar Karunanidhi Nagar, Chennai-
600 078.

2. J.Prabu

S/o. Jeganathan, No. 25, SCV Office,
Narayanaswamy Street,
Thandavamoorthy Nagar,
Valasaravakkam, Alwarthirunagar,
Tiruvallur-600 087.

3. J.Shalini

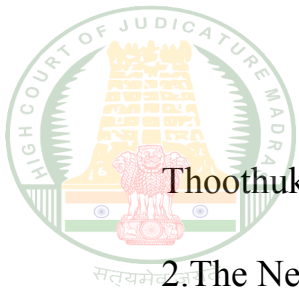
D/o. Jeganathan, No. 6/13, Anna Veedhi
1st Street, M.G.R.Nagar, Kalaighar
Karunanidhi Nagar, Chennai-600 078.

Appellant(s)

Vs

1. Selva Perumal

S/o. Alaguvel, No. 12/11c Ammalpuram
Kayamizhi, Tiruchendur Taluk,



Thoothukkudi-628 205.

2.The New India Assurance Co. Ltd

No. 232, Bombay Mutual Building, 6th
Floor, NSC Bose Road, Chennai-600
001.

Respondent(s)

PRAYER

To allow appeal and to enhance the amount awarded in M.C.O.P.No.448 of 2022 on the file of Motor Accident Claims Tribunal Chennai Chief Judge, Court of Small Causes, Chennai as prayed for with Interest and cost.

For Appellant(s): Mr.U.Chithambaram

For Respondent(s): Mr.K.Vinod For R2 R1 -ndw

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in M.C.O.P.No.448 of 2022 on the file of Motor Accident Claims Tribunal Chennai Chief Judge, Court of Small Causes, Chennai.

2.On 25.09.2020 at about 19.45 hours while the victim was standing along the Urapakkam Tea Shop from East to West direction, a Eicher Lorry bearing registration No. TN 92 D 1157 came from Tambaram to Chengalpattu Road driven in a rash and negligent manner hit against the victim, due to which,

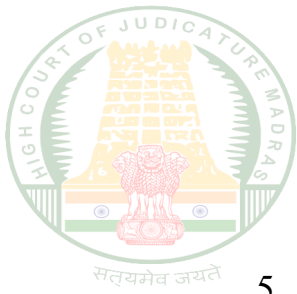


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victim sustained grievous fatal injuries and died on the spot. Thereafter the claimants filed the petition before the tribunal claiming compensation and the same was contested by the second respondent/insurance Company. After considering the oral and documentary evidence, the tribunal awarded compensation of Rs.13,48,000/-. Challenging the quantum of compensation, the claimants filed this appeal.

3. The learned counsel for the appellant submits that the deceased was working in the catering service at Manapakkam but without considering the same the tribunal fixed Rs.15,000/- as notional income of the deceased which is very meagre. Hence, he prays to enhance the notional income of the deceased and also in other heads.

4. The learned counsel for the second respondent submits that the claimants have not produced any income proof to prove the income of the deceased and also the deceased is aged about 58 years at the time of the accident. Hence, the tribunal rightly fixed the compensation which needs no interference.



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5. Heard the submissions of the learned counsel for the appellants/claimants and learned counsel for the second respondent.

6. Considering the fact that the accident was happened in the year 2020 and also the cost of living at the time of the accident, this Court is inclined to fix Rs.18,000/- as notional income of the deceased. Accordingly, the claimant is entitled to Rs. 14,25,600/-(18000+1800x12x9x2/3). 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 income/dependency	Rs.11,88,000/-	Rs.14,25,600/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.1,20,000/-	Rs.1,20,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.10,000/-	Rs.10,000/-
	Total	Rs.13,48,000/-	Rs.15,85,600/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. Rs.15,85,600/-**. The second respondent is



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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 M.C.O.P.No.448 of 2022 on the file of Motor Accident Claims Tribunal Chennai Chief Judge, Court of Small Causes, Chennai , 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. 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.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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