



C.M.A.No.2932 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.2932 of 2022

1.Mohammed Shafi

2.Minor Dhanusha

(Minor Appellant represented by her
brother and guardian Mohammed Shafi).

... Appellants

vs.

1.Vasanthi

2.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

3.Abdul Basheer

4.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 26.09.2019 made in M.C.O.P.No.250 of 2017 on the file of the Motor Accident Claims Tribunal / Principal District Judge, Perambalur.

For Appellants : Mr.T.Gopinath



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For Respondents : Mr.S.Arunkumar [R2 & R4]
R1 and R3 – No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the son and daughter of the deceased Naseema against the Award dated 26.09.2019 made in M.C.O.P.No.250 of 2017 on the file of Motor Accident Claims Tribunal / Principal District Judge, Perambalur for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The son and daughter of the deceased Naseema filed the Claim petition under Section 166 of Motor Vehicles Act, claiming compensation of Rs.40,00,000/- for the death of their mother who died on account of road traffic accident that took place on 21.11.2016.

4. The Tribunal upon consideration of evidence granted compensation of Rs.9,40,000/- with interest at the rate of 7.5% p.a., from

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the date of filing of petition. The amounts granted by the Tribunal under

various heads are given hereunder:

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Sl. No.	Description	Amount awarded by Tribunal
1	For Loss of Dependency	Rs.9,10,000/-
2	For Loss of Estate	Rs. 15,000/-
3	For Funeral Expenses	Rs. 15,000/-
	Total	Rs.9,40,000/-

5. It is the evidence of PW1 that his mother was doing business and she was earning Rs.20,000/- p.m. To substantiate the said details, no document is marked. As per post-mortem certificate of the deceased Ex.P9, and death certificate Ex.P10, age of the deceased is taken as 42 years for the purpose of computation of compensation.

6. As per the law laid down by the Hon'ble Supreme Court in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in ***2017 (2) TN MAC 609(SC)***, while computing the loss of dependency as the deceased age is taken as 42 years, then 25% has to be added for future prospects. As regards avocation no document is marked to prove the same. In consideration of the above said details and other attending circumstances, notional income of the deceased is fixed as Rs.8,000/- p.m.



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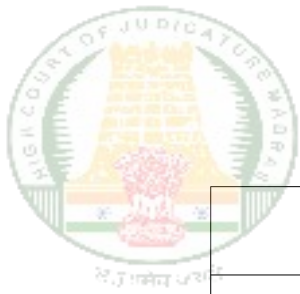
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7. As held in **Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another** reported in **2009 (2) TN MAC 1 (SC)**, the relevant multiplier to be selected is 14m. As the claimants are two in number (son and daughter of the deceased), for personal and living expenses, 1/3rd has to be deducted. Based on the above said details, for computing loss of dependency, following formula emerges :

$$\text{Rs.8,000/-} + 25\% - 1/3 \times 12 \times 14 = \text{Rs.11,20,056/-}.$$

8. As per the law laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd., v. Pranay Sethi and others**, reported in **2017 (2) TN MAC 609(SC)**, for loss of consortium, an amount of Rs.80,000/- is granted. As regards other heads, the amount awarded by the Tribunal appears to be reasonable and acceptable and therefore it does not warrant any interference by this Court. Therefore, the amounts awarded as mentioned supra, is reworked and tabulated below:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirme d or enhanced or granted or reduced



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1	For Loss of Dependency	Rs.9,10,000/-	Rs.11,20,056/-	Enhanced
2	For Loss of Consortium	-	Rs. 80,000/-	Granted
3	For Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	For Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
	Total	Rs.9,40,000/-	Rs.12,30,056/-	
	Rounded off to		Rs.12,30,000/-	

9. Thus, the compensation awarded by the Tribunal is enhanced from Rs.9,40,000/- to **Rs.12,30,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

10. In the result,

(i) This Civil Miscellaneous Appeal stands partly allowed.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.9,40,000/- to **Rs.12,30,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.12,30,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition **(excluding the period of default, if any)** to the credit of M.C.O.P.No.250



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of 2017 on the file before the Motor Accident Claims Tribunal, Principal District Judge, Perambalur, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimants are at liberty to withdraw equally the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimants are directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall disburse the compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected miscellaneous petition if any stands closed. No costs.

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Index : Yes/No
Speaking / Non-speaking order
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To:

1. The Motor Accident Claims Tribunal,
Principal District Judge, Perambalur.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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