

**C.M.A.No.1662 of 2025****T.V.THAMILSELVI,J.,**

WEB COPY

Today, this matter is listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. It is noticed that though the “Future Prospects” has been included under the head “Loss of Dependency”, however, it has been again awarded separately under the head “Future Prospectus ” in para nos.10 & 11 of the order dated 02.07.2025. Therefore, the para nos.10 & 11 are substituted as follows:

“10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of dependency	16,20,000	30,37,500
2.	Transportation	10,000	10,000
3.	Funeral expenses	20,000	20,000
4.	Love and affection	1,00,000	2,00,000
5.	Future Prospects	4,05,000	-
6	Loss of Estate	20,000	20,000
7.	Consortium	40,000	-
	Total	Rs.22,15,000	Rs.32,87,500



Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,15,000/- to Rs.32,87,500/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.22,15,000/- to Rs.32,87,500/-.

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, the United India Insurance Company Ltd., Salem, is directed to deposit the enhanced compensation amount, i.e., Rs.32,87,500/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 2175 of 2023 on the file of the Special District Judge, to deal with MCOP cases Salem,



within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the 2nd respondent, the appellants/claimants are at liberty to withdraw the same, as per the apportionment made by the tribunal, after following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

3. In view of the modification of the order dated 02.07.2025, as above, time granted for the payment of aforesaid amount shall run from the date of receipt of the copy of this order.

4. Except the same, all other aspects shall remain intact.

5. Registry is directed to make necessary corrections and issue a fresh order copy in the Civil Miscellaneous Appeal at the earliest.

06.11.2025

jd



WEB COPY

C.M.A.No.1662 of 2025



T.V.THAMILSELVI,J.,
jd

C.M.A.No.1662 of 2025

06.11.2025



CMA No.1662 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1662 of 2025

1.Ponni
2.Keerthana
3.Sanjay Kumar
4.Minor. Vishnu Vasan
5.Chinnaponnu

... Appellants

Vs.

1.K.C.Suresh
2.M/s.United India Insurance Company Ltd.,
Having Divisional Office No.1, T.P.Hub,
No.104-A, Range Building, Peramanur Main Road,
Near Four Roads, Peramanur,
Salem-636 007.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation in judgment and decree dated 25.10.2024 passed in M.C.O.P.No.2175 of 2023, on the file of the Special District Judge, to deal with MCOP cases Salem.

For Appellants : Mr.R.Navaneedha Krishnan

For R2 : Mrs.R.Sree Vidhya



CMA No.1662 of 2025

WEB COPY

JUDGMENT

The appellants have filed this appeal against the award passed in M.C.O.P.No.2175 of 2023, on the file of the Special District Judge, to deal with MCOP cases Salem, dated 25.10.2024.

2. The brief facts of the case of the appellants/claimants are as follows: On 23.08.2023, at about 19.30 hours, while the deceased was standing in front of his house with utmost care and caution, near the Nangavalli-Mettur Main Road, Nangavalli, close to Theppakula Street, at that time, the driver of a private bus bearing Registration No.TN-52-L-4343 came from Nangavalli towards Mettur in rash and negligent manner, at a very high and uncontrollable speed, unmindful of traffic rules, and hit the deceased. Due to sudden impact, the deceased sustained severe injuries to vital organs and died on the spot. The accident occurred solely due to the rash and negligent driving of the first respondent's driver. After the accident, postmortem was conducted at the Government Hospital, Mettur. A case was registered against the driver of the private bus bearing Registration No.TN-52-L-4343 in Crime No.196/103. The wife, mother and children of the deceased have filed this claim petition under section

6 of 12



CMA No.1662 of 2025

166 of the Motor Vehicles Act.

WEB COPY

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 22,15,000/- as compensation, directing the 2nd respondent to pay the said amount to the appellants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization (excluding the period of dismissal for default, if any).

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the deceased was a Barber earning Rs.30,000/- per month. However, the Tribunal erroneously considered only salary of Rs. 12,000/-. He therefore, prayed for enhancement of compensation.

6. On the other hand, the learned counsel appearing for the 2nd respondent contended that the award passed by the Tribunal is based on



CMA No.1662 of 2025

well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. The deceased was working as a Barber. However, no documentary evidence was adduced by the claimants to substantiate their claim that the deceased was earning a sum of Rs.30,000/- per month as mentioned in their claim petition. In the circumstances, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.18,000/- would meet the ends of justice.

8. As per the decision of the Hon'ble Supreme Court in ***National Insurance Co. vs Pranay sethi and others***, reported in **2017 (2) TNMAC 601**, 25% is to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his legal heirs, namely, his mother, wife and 3 children. Hence, 1/4 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 40 years at the time of the accident, and as per the decision rendered in ***Sarla Verma and others vs. Delhi Transport Corporation and another***, reported in **(2009) 6 SCC 121**, the proper multiplier to be adopted in the instance case is 15. The compensation awarded under the



CMA No.1662 of 2025

other heads by the Tribunal is confirmed.

WEB COPY

9. Calculation

Notional Income = Rs.18,000/-

25% Future Prospects = 18,000 + 4,500 = 22,500/-

After 1/4 deduction = 22,500 – 5,625 = Rs.16,875/-

Loss of dependency

= Rs.16,875 x 12 x 15

= Rs.30,37,500/-

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of dependency	16,20,000	30,37,500
2.	Transportation	10,000	10,000
3.	Funeral expenses	20,000	20,000
4.	Love and affection	1,00,000	2,00,000
5.	Future Prospects	4,05,000	4,05,000
6	Loss of Estate	20,000	20,000
7.	Consortium	40,000	
	Total	Rs.22,15,000	Rs.36,92,500



CMA No.1662 of 2025

WEB COPY

Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,15,000/- to Rs.36,92,500/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.22,15,000/- to Rs.36,92,500/-.

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, the United India Insurance Company Ltd., Salem, is directed to deposit the enhanced compensation amount, i.e., Rs.36,92,500/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 2175 of 2023



CMA No.1662 of 2025

on the file of the Special District Judge, to deal with MCOP cases Salem,
within a period of eight weeks from the date of receipt or uploading of a
copy of this order.

v. On such deposit being made by the 2nd respondent, the
appellants/claimants are at liberty to withdraw the same, as per the
apportionment made by the tribunal, after following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest
for the period of delay, if any, in filing this appeal.

02.07.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
rri

To

- 1.The Special District Judge,
to deal with MCOP cases Salem.
- 2.The United India Insurance Company Ltd.,
Having Divisional Office No.1, T.P.Hub,
No.104-A, Range Building, Peramanur Main Road,
Near Four Roads, Peramanur,
Salem-636 007.
- 3.The Section Officer, V.R. Section,
High Court of Madras.

11 of 12



WEB COPY



CMA No.1662 of 2025

T.V.THAMILSELVI, J.

rri

C.M.A.No. 1662 of 2025

02.07.2025