



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1157 of 2023

1. Muniyammal

W/o.Late.Chandiran, No.48, Paruthi
Kollai, Uthiramerur, Uthiramerur Taluk,
Vadanallur Post, Kancheepuram
District-603406

2. Minor Vijayakumar

S/o.Late.Chandiran, Minor Rep.by his
Mother as 1st Petitioner as natural
guardian and next friend, No.48,
Paruthi Kollai, Uthiramerur,
Uthiramerur Taluk, Vadanallur Post,
Kancheepuram District-603406

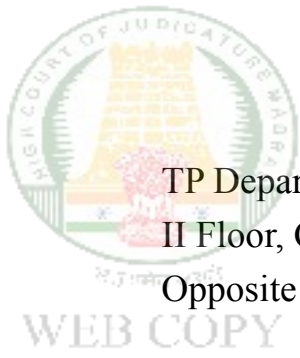
Appellant(s)

Vs

1. G.J.Prabhakaran

S/o.Gnanaiya, O.NO.75, N.No.5,
A.E.Koil Street, Maduranthakam Taluk,
Kanchipuram-603306

2.Royal Sundaram Alliance Insurance
Co.Ltd.,



TP Department, Subramanian Building,
II Floor, Club House Road, LM
Opposite Sinthur Hotel, Chennai-2

Respondent(s)

CMA No. 1157 of 2023

PRAYER

To enhance the award dated 17.11.2021 and made in M.A.C.T.O.P.No. 861 / 2018 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

CMA No. 1157 of 2023

For Appellant(s): Ms.N.Lavanya For Mrs.M.Malar

For Respondent(s): Mr.G.Vasudevan For R2 R1 -
Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award dated 17.11.2021 and made in M.A.C.T.O.P.No. 861 / 2018 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

2. On 11.01.2018 at about 8 p.m while the deceased was riding the motorcycle bearing registration No. TN 21 AQ 2381 from AP Chatiram to Uthiramerur, opposite to Ashok Auto Agency and by that time, the Tata Ace vehicle bearing registration No. TN 19 Y 6393 driven by its driver in a rash and



negligent manner dashed against the deceased due to which he sustained grievous injuries and died. Thereafter, the claimants filed the petition before the tribunal claiming compensation and the second respondent contested the case by filing counter. After considering the oral and documentary evidence, tribunal awarded compensation. Challenging the quantum of compensation the claimants filed this appeal.

3. The learned counsel for the appellants/claimants submit that the deceased was running water can business and earned about Rs.30,000/- but the tribunal only Rs. 12,905/- as notional income of the deceased which is very meagre. 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.

5. Considering of the cost of living at the time of the accident, this Court is inclined to fix Rs.16,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs. 30,46,400/-($16000+6400 \times 12 \times 17-1/3$) under the head of loss of dependency. Further, this Court is inclined to enhance the amount awarded under the head of loss of love and affection from Rs.40,000/-



to Rs.80,000/-. 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 dependency	Rs.18,42,834/-	Rs.30,46,400/-
2.	Loss of estate	Rs. 15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.40,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Nil	Nil
	Total	Rs.19,12,834/-	Rs.31,56,400/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 31,56,400/-**. 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 M.A.C.T.O.P.No. 861 / 2018 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. Both appellants are entitled to share the compensation equally and share of the minor appellant shall be deposited in the any of the nationalized bank till attaining majority and minor appellant is



permitted to withdraw the interest as and when requires. 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.

14-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The M.A.C.T.O.P.No. 861 / 2018 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

2. The Section officer, V.R Section High Court, Madras.



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T.V.THAMILSELVI J.
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