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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1500 of 2025 and
C.M.P.No.13141 of 2024

National Insurance Company Limited,
Divisional Office, Court Road,
Tiruppur – 641 018 .

.. Appellants

Vs.

1. R. Suseela

2. Radha

3. Krishnan

4. M. Jeevitha

5. M. Karunanithi

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order passed in M.A.C.T.O.P.No.94 of 2017 dated 11.10.2022 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam and pass orders.

For Appellant : Mr.N.D. Surekha

For Respondents 1 to 4 : Mr.R. Nalliyappan

JUDGMENT

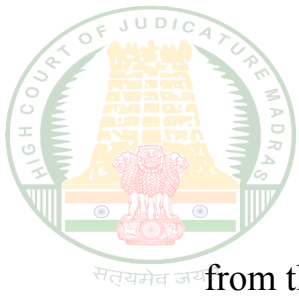


WEB COPY The appellants have filed this appeal to set aside the order passed in M.A.C.T.O.P.No.94 of 2017 dated 11.10.2022 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam and pass orders.

2. The brief facts of the case of the appellants/claimants are as follows:

On 05.09.2017 at about 5:15 p.m when the deceased/K.Rajkumar was driving Maruti Omni Van bearing Registration No. TN-37-CB-9964 at Tiruchengode to Erode Main road a Private Bus bearing Registration No.TN-34-W-558 came from the East direction to West in a high speed and dashed against the van. As a result of which some of the persons travelling in the van sustained injuries and the deceased succumbed to the injuries. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking compensation at 34,00,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,60,000/- as compensation, directed the appellant to pay the said amount to the appellant along with interest at the rate of 7.5% per annum



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from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant/ Insurance Company filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal failed to see that the wife and mother alone come under the class-1, legal heirs of the deceased, but wrongly deducted 1/4th towards personal expenses of the deceased which is not sustainable. The learned Tribunal ought to have deducted 1/3rd towards personal expenses of the deceased. Loss of consortium should be given to only three persons but the Tribunal has given to four persons. Hence prays to allow this appeal.

6. On the other hand, the learned counsel appearing for the respondents contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



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7. Heard both sides and perused the materials on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.32,13,000/- towards loss of income; Rs.15,000/- each towards loss of estate and Funeral expenses; Rs.1,60,000/- towards loss of consortium. Thus the total compensation is arrived at Rs.34,03,000/-

9. While re-appreciating the facts the facts and on perusal of records, it would be appropriate to deduct 1/3 towards personal expenses.

Calculation:

Monthly Income = Rs.15,000/-

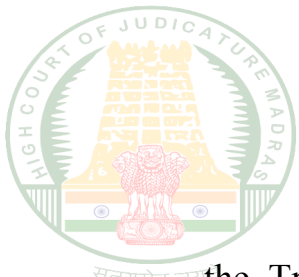
40% towards future prospectus =Rs.21,000/-(Rs.15,000+ Rs.6,000)

Multiplier =Rs.42,84,000/- (Rs.21,000 x 17 x 12)

Deduction at 1/3rd = (Rs.42,84,000- Rs.14,28,000)

Rs.28,56,000/-is quantified towards loss of income. Loss of consortium is modified to Rs.1,20,000/- (Rs.40,000 x 3). The compensation awarded under other heads remains the same.

10. The following tabular column sets out the amounts awarded by



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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 income	Rs.32,13,000/-	Rs.28,56,000
2.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
3.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
4.	Loss of Consortium	Rs.1,60,000/-	Rs.1,20,000/-
5	Total	Rs.34,03,000/-	Rs.30,06,000/-

Thus, the compensation awarded by the Tribunal is modified to **Rs.30,06,000/- from Rs.34,03,000/-** , which shall carry interest at the rate of 7.5% per annum.

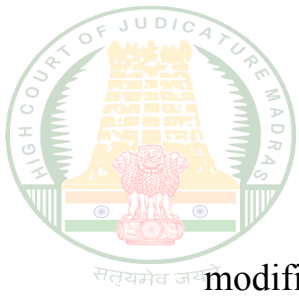
11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs. Consequently the connected miscellaneous petitions are closed.

ii. The compensation awarded by the Tribunal is modified to **Rs.30,06,000/- from Rs.34,03,000/-**.

iii. The Appellant/ Insurance Company is directed to pay the balance Court fee if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The Appellant/ Insurance Company is directed to deposit the



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modified compensation amount, i.e., **Rs. Rs.30,06,000/-**, (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.A.C.T.O.P.No.94 of 2017 dated 11.10.2022 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam** 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, the respondents/claimants are at liberty to withdraw the same after following due process of law.

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

20.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam

2. The Section Officer, V.R. Section, High Court of Madras.

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T.V.THAMILSELVI, J.

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