WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

CMA No. 3162 of 2025

1. D. Kasthuri
2. J. Hema ... Appellants
3.K. Priyakani

vs

1. K.R.Vignesh Raj
2. National Insurance Co. Ltd.,
   No.46, Moore Street,
   Chennai 600 001.
   National Insurance Co.Ltd.,
   No.66, Greams Road,
   TP Cell, 1st Floor,
   Chennai 600 006.

.. Respondents

PRAYER:

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act against the order made in MCOP.No.1744 of 2017 dated 16.07.2024 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellants : Mr. T.G. Ravichandran

For Respondent No.1: Mr. M. Mathan Raj

For Respondent No.2 : Mr. M.Krishnamoorthy

JUDGMENT

By consent of both parties, the appeal is heard and disposed of at the stage of admission itself.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.The legal representatives of the deceased Dhanasekaran have preferred this Civil Miscellaneous Appeal against the Award dated 16.07.2024 in MCOP.No.1744 of 2017 on the file of IV Court of Small Causes, Chennai, for enhancement of compensation.

3. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

4. The case of the claimant is that on 19.11.2016, at about 13.50 hours, while the deceased was walking along Sholinganallur Kalaignar Salai, a two wheeler bearing Regn.No.TN 45 BA 2940 came in a rash and negligent manner, dashed against the deceased and caused the accident. Due to the accident, the deceased sustained grievous injuries all over the body and succumbed to the injuries. The 1st and 2nd respondents are owner and insurer of the offending vehicle.

5. On the side of the 2nd respondent /Insurance Company, counter was filed denying the involvement of vehicle in the accident, manner of accident, negligence of the driver, age, qualification, avocation, income and dependency of the deceased.

6. At trial, on the side of the claimants, two witnesses were examined and fifteen documents were marked. On the second respondent side, neither

https://www.mhc.tn.gov.in/judis

WEB COPY

any witness was examined and nor any documents were marked.

7. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side counsels, awarded compensation of Rs.7,15,000/- with 7.5% interest p.a., from the date of petition. The Tribunal directed the 2nd respondent/Insurance company to pay the abovesaid compensation amount to the claimants.

8. The learned counsel for the appellants would strenuously argue that the age of the deceased is fixed by relying upon the age details of the deceased found in final report and as per the post mortem certificate Ex.P.5 his age is only 60 years. He would further contend that the notional income of the deceased is fixed as Rs.10,000/- which is less and sought for enhancement of compensation.

9. The learned counsel for the 2nd respondent/Insurance Company would vehemently argue that no documentary proof was filed and marked to prove the age and income of the deceased. The compensation awarded by the tribunal based on the above said details appears to be reasonable and acceptable and prayed for dismissal of the appeal.

10. As regards, the age of the deceased in Ex.P.5-Post Mortem certificate, it is mentioned as 60 years. Therefore, the age of the deceased is

https://www.mhc.tn.gov.in/judis

WEB COPY

taken as 60 years. The date of the accident is 19.11.2016. It is the evidence of PW1 that the deceased was working as an agricultural labour and earning a sum of Rs.20,000/- per month. No document was marked to substantiate the same. In consideration of the above said details, the income of the deceased is fixed as Rs.13,000/- per month. The Honourable Supreme Court has standardised the details of future prospectus while computing the notional income in the case of ***National Insurance Company Limited Vs. Pranay sethi (2017 2 TNMAC 609 SC),*** for the persons who were self employed or on fixed salary for the age group of persons between the 50 to 60, 10% has to be added along with the income.

11. As per the law laid down by the Honourable Supreme Court in ***Sarla Verma Case Vs. Delhi Transport Corporation (2009 2 TNMAC 1 SC)*** the relevant multiplier to be adopted is 9m. For computing loss of dependency, the following formula emerges:

Rs.13000/- + 10% -1/3 x 12 x 9m = Rs.10,29,672/-

12. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence, it does not warrant any interference by this Court.

13. The amounts awarded as mentioned supra, after re-work is tabulated hereunder:

https://www.mhc.tn.gov.in/judis

WEB COPY

	Heads	Tribunal (in Rs.)	High Court (in Rs.)	
1	For Loss of dependency	5,60,000/-	10,29,672/-	enhanced
2	For loss of Consortium	1,20,000/-	1,20,000/-	confirmed
3	For Loss of Estate	15,000/-	15,000/-	confirmed
4	For Funeral Expenses	15,000/-	15,000/-	confirmed
5	For Transportation charges	5,000/-	5,000/-	confirmed
	Total	**7,15,000/-**	**11,84,672/-**	**11,85,000/- rounded off**

Out of the compensation of Rs.11,85,000/-, the 1st claimant/wife is entitled to Rs.5,85,000/- and the 2nd and 3rd claimants/daughters of deceased are entitled to Rs.3,00,000/- each .

14. Thus, this Court awards Rs.11,85,000/- towards compensation for the claimant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

15. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced from **Rs. 7,15,000/-** to **Rs.11,85,000/-.**
- The 2nd respondent/Insurance company is directed to deposit the enhanced compensation of **Rs11,85,000/-** awarded by this Court to the credit of MCOP.No.1744 of 2017 on the file

https://www.mhc.tn.gov.in/judis

WEB COPY

of Motor Accident Claims Tribunal (IV Court, Motor Accidents Claims Tribunal), Small Causes Court, chennai along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.

- On such deposit, the appellants/ claimants are at liberty to withdraw the award amount along with interest and costs, as per the abovesaid apportionment made by this Court, after adjusting the amount, if any already withdrawn, by filing application before the Tribunal.

- The appellants/claimants are directed to pay the court fee for the enhanced compensation amount, if required. The Tribunal shall disburse the enhanced amount upon production of the certified copy showing proof of payment of court fee by the claimants/appellants.

msr **19.11.2025**
Index:Yes/No
Internet:Yes

To
The Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

https://www.mhc.tn.gov.in/judis

WEB COPY

R.KALAIMATHI J.

msr

CMA No. 3049 of 2025

19.11.2025

https://www.mhc.tn.gov.in/judis