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CMA No. 1507 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CMA No. 1507 of 2025
and
Cross-Objection No.59 of 2025**

CMA No. 1507 of 2025

1. Minor Harish

S/o. Ramachandran @ Ramasundaram,
Rep. by their Guardian and Grand
Mother Sivakami, IV th Appellant, Res.
at 1/134, Kullampatti, Kokkarapatti,
Pappirettipatti, Dharmapuri.

2.Minor Karthick

S/o. Ramachandran @ Ramasundaram,
Rep. by their Guardian and Grand
Mother Sivakami, IV th Appellant, Res.
at 1/134, Kullampatti, Kokkarapatti,
Pappirettipatti, Dharmapuri.

3.Minor Laniyu

S/o. Ramachandran @ Ramasundaram,
Rep. by their Guardian and Grand
Mother Sivakami, IV th Appellant, Res.
at 1/134, Kullampatti, Kokkarapatti,
Pappirettipatti, Dharmapuri.

4. SIVAKAMI

W/o. Gopal, Res. at 1/134, Kullampatti,
Kokkarapatti, Pappirettipatti,
Dharmapuri.

5. GOPAL

S/o. Chinnaboyan, Res. at 1/134,
Kullampatti, Kokkarapatti,
Pappirettipatti, Dharmapuri.

Appellant(s)



Vs

1. ANANDRAJ

S/o. Duraisamy, 315, R.V. Nagar,
Shanmugapuram, Karamadai,
Coimbatore.

2. United India Insurance Co. Ltd.,
Coimbatore Kalaimagal Complex, Opp.
to Anna University, Veerapandi
Division, Coimbatore.

3. VIJAYASHANTHI

W/o. Ranjith, Kullampatti,
Kokkarapatti, Pappirettipatti,
Dharmapuri.

Respondent(s)

PRAYER in CMA.No.1507 of 2025:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award from Rs.38,97,000/- to Rs.40,97,000/- along with interest at 7.5 percent interest from the date of Petition in MCOP.NO. 109 of 2023 on the file of Motor Accidents Claims Tribunal, Subordinate Judge, Mettupalayam.

For Appellant(s): Ms.P.T.Saleem Fathima

For Respondent(s): Mr.J.Chandran For R2
Mr.Amar D.Pandiya For R3
R1 -addressee Left

Cross-Objection No.59 of 2025

Vijayashanthi

... Cross objector /R3

Vs.

1.Minor Harish
2.Minor Karthick
3.Minor Laniyu
(Minors 1 to 3 appellants rep.
by their Guardian & Grand Mother
Tmt. Sivakami, 4th appellant)
4.Sivakami
5.Gopal
6.Anandraj



7. United India Insurance Co. Ltd.,
Coimbatore Kalaimagal Complex,
Opp. To Anna University,
Veera Pandi Division, Coimbatore.

.... Respondents

PRAYER in Cross-Objection No.59 of 2025:

Cross objection filed under Order XLI Rule 22 of Code of Civil Procedure, prays against the judgement and decree dated 29.10.2024 in MCOP.No.109 of 2023 on the file of Motor Accidents Claims Tribunal, Subordinate Judge, Mettupalayam.

For Cross objector :	Mr.Amar Dineshbhai Pandiya
For R1 to R5 :	Ms.P.T.Saleem Fathima
For R6 :	No appearance
For R7 :	Mr.J.Chandran

JUDGMENT

The Claimants have filed this appeal against the award passed in MCOP No. 109 of 2023 on the file of Motor Accidents Claims Tribunal, Subordinate Judge, Mettupalayam.

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

On 10.04.2023 at about 16.00 hrs the deceased was standing along with the motorcycle bearing Reg.No.TN 38 CS 7567 on Annur to Mettupalayam road near Pogalur Poondur Company on the extreme left side of the road. At that time the driver of the 1st respondent drove the car bearing registration No.TN 38 BS 6404 came from East to West direction with high speed in a rash and negligent manner without observing road rules, without using horn and dashed against the deceased. Due to the ill-fated accident the deceased sustained fatal injuries. The



accident happened solely due to the rash and negligent driving of the 1st respondent. The 1st respondent is the driver cum owner of the offending vehicle, and the 2nd respondent is the insurer of the said vehicle.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.38,97,000/- as compensation, directing the 2nd respondent to pay the said amount to the appellants, along with interest at the rate of 5.5% 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. The cross objector / R3 has filed the Cross objection under Order XLI Rule 22 of CPC.

5. The learned counsel for the appellant submitted that the Tribunal erred in fixing only 25% towards future prospects for the deceased, who was aged about 35 years at the time of the accident. As per settled law, 40% ought to have been added towards future prospects. The learned counsel further submitted that, instead of awarding interest at the rate of 7.5% per annum, the Tribunal has erroneously fixed the rate of interest at 5.5% per annum.



6. On the other hand, the learned counsel appearing for the 2nd respondent 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.

7. The deceased was working as a Earth Line Supervisor. 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. However, the Tribunal rightly fixing the notional monthly income of the deceased at Rs.20,000/-.

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**, 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his legal heirs, namely, his parents and 3 children. Hence, 1/4 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 35 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 16. The compensation awarded under the other heads by the Tribunal is confirmed.



9. Calculation

Notional Income = Rs.20,000/-

40% Future Prospects = 20,000 + 8,000 = 28,000/-

After 1/4 deduction = 28,000 – 7,000 = Rs.21,000/-

Loss of dependency

= Rs.21,000 x 12 x 16

= Rs.40,32,000/-

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 Income	36,00,000	40,32,000
2.	Loss of amenities	16,500	16,500
3.	Loss of Love & affection	2,64,000	2,64,000
4.	Funeral Expenses	16,500	16,500
	Total	38,97,000	43,29,000

11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.38,97,000/- to Rs.43,29,000/-, which shall carry interest at the rate of 7.5% per annum.

12. The cross-objection was filed by the Cross objector / 3rd respondent, who is the mother of the minor children and the wife of the deceased, seeking a higher apportionment of compensation.



13. The learned counsel for the minor claimants submitted that the cross objector, Vijayashanthi (R3), had remarried after the accident and, therefore, is not entitled to any compensation.

14. However, the Tribunal had awarded a sum of Rs.1,97,000/- to her, and the remaining amount was apportioned among the minor children and the parents of the deceased. Admittedly, the cross objector / R3 has now married another person and is living separately. Therefore, the order of the Tribunal awarding a sum of Rs.1,97,000/- to the Cross objector / R3 is justifiable, and does not warrant any interference. **Accordingly, the cross -objection No. 59 of 2025 is dismissed.**

15. The enhanced compensation awarded proportionately in CMA.No.1507 of 2025 is directed to be allotted only to the three minor children / appellants 1 to 3 not for appellants 4 and 5, who are the parents of the deceased.

16. In the result:

i. The Civil Miscellaneous Appeal No. 1507 of 2025 is partly allowed.

There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.38,97,000/- to Rs.43,29,000/-.



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., Coimbatore, is directed to deposit the enhanced compensation amount, i.e., Rs.43,29,000/- (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.C.O.P. No. 109 of 2023 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Mettupalayam, 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 minor appellants 1 to 3 /minor claimants 1 to 3, represented by their grand mother, the 4th appellant, shall be entitled to the compensation amount as apportioned below out of the deposited amount.

(a) A sum of Rs.13,78,000/- shall be paid to the first claimant, Minor Harish, son of the deceased.

(b) A sum of Rs.13,78,000/- shall be paid to the 2nd claimant, Minor. Karthick, son of the deceased.

(c). A sum of Rs.13,76,000/- shall be paid to the 3rd claimant, Minor. Laniyu, son of the deceased. The respective shares of



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compensation amount payable to claimants 1 to 3 shall be deposited in any one of the nationalized banks in India until each of them attains the age of majority. The interest accrued thereon shall be utilized for the welfare of the minor claimants 1 to 3.

- (d) A sum of Rs.1,97,000/- together with costs and interest shall be paid to the third respondent (Vijayashanthi), wife of the deceased, who has subsequently remarried.

23-07-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. ANANDRAJ

S/o. Duraisamy, 315, R.V. Nagar,
Shanmugapuram, Karamadai,
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2. United India Insurance Co. Ltd.,
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3. VIJAYASHANTHI

W/o. Ranjith, Kullampatti,
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Dharmapuri.

4. Motor Accidents Claims Tribunal,
Subordinate Judge, Mettupalayam.

5. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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