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CMA.No.1890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1890 of 2025

1.Thangalakshmi
2.S.Dharshan (minor)
3.S.Nagul(minor)
(Appellants 2 and 3 are minors rep by R1/mother) ...Appellants

Vs

1.M/s.Aruna Travels
No.59, Empee Tower, Harries Road,
Pudupet, Chennai - 600 002.
2.Magma HDI General Insurance Co. Ltd.,
Door No.25/3, 1% Floor, Grace Building
Mc.Nichols Road, Chetpet,
Chennai – 600 031. ..Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.4792 of 2024 dated 18.09.2024 on the file of Motor Accident Claims Tribunal (Small Causes Court, Chennai)

For Appellants : Mr.K.Varadhakamaraj

For Respondents : No appearance

J U D G M E N T



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This appeal has been filed by the claimants seeking enhancement of compensation under the impugned award dated 18.09.2024 passed by the Motor Accident Claims Tribunal (Small Causes Court, Chennai) in MCOP.No.4792 of 2024.

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

On 21.08.2023 at about 21.20 hours, when the deceased was riding a motorcycle bearing Regn.No.TN-65-B-5130 at a 100 feet road Junction near Olympia Signal, Kathipara Flyover Entrance, Guindy, Chennai, proceeding on the left side of the road, a car bearing Regn.No.TN-06-AD-8515, driven by the driver of the 1st respondent, dashed against the motorcycle, due to which, the deceased sustained multiple grievous injuries all over the body and he was taken to the hospital where he was declared dead. Claiming that the driver of the car is responsible for the accident, the claimants have filed a claim petition before the Tribunal claiming a sum of Rs.45,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.20,45,000/-

3. The appellants/claimants, unsatisfied with the quantum of



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compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.

4. Heard the learned counsel for the appellants and perused the materials available on record.

5. The learned counsel appearing for the Appellants/Claimants submitted that the Tribunal failed to see that the deceased was working as a Rapido Bike Rider and Porter parcel Delivery Rider and awarded only a meagre compensation. The deceased can earn minimum Rs.30,000/- per month whereas the Tribunal has taken Rs.13,500/- per month as his salary. The Tribunal has awarded only 25% towards future prospectus instead of 40% as the age of the deceased was only 44 years. The pain and sufferings of the family of the deceased also should be taken note of by the trial court. Also the pain and suffering caused before the death also to be considered by the Tribunal. It failed to consider the Saralavarma case 2009(2) TANMAC 1 and the Tribunal has not considered this aspect before awarding compensation. The Tribunal awarded only a sum of Rs.20,45,000/- as against the claim of Rs.45,00,000/- not considering the economic situation at



the time of the accident. Hence, he prayed to enhance the compensation.

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6. Per contra, the learned counsel appearing for the 2nd respondent/Insurance Company has submitted that the compensation claimed by the appellant is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellant/claimant and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. Though notice served to the respondents, none appeared on behalf of them.

8. On perusal of records, it is seen that the appellants/claimants are the wife and children of the deceased. The income fixed by the Tribunal is under challenge in this case. The deceased was working as a Rapido Bike Rider and Porter parcel Delivery Rider and was earning a sum of Rs.1000/- per day. But the Tribunal without taking into consideration the present cost of living, has erroneously fixed a meagre sum of Rs.13,500/- p.m., However,



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there is no income proof to show the income earned by the deceased.

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9. This court, considering the cost of living at the time of accident and age of the deceased and his occupation, and taking note of the fact that the accident is of the year 2023, is inclined to fix Rs.650/- per day and thus a sum of Rs.19,500/- ($\text{Rs.650} \times 30 = 19500$) is fixed as the monthly income of the deceased. Thus, the award under the head of 'loss of dependency' is fixed at **Rs.27,30,000/-** ($19500 + 25\% = 4875$; $19500 + 4875 = 24375$; $24375 \times 12 = 292500$; $292500 - 1/3 = 97500$; $292500 - 97500 = 195000$; $195000 \times 14 = 27,30,000/-$)

10. The Tribunal has erroneously granted very meagre amount of compensation under the heads of 'loss of consortium' and hence this court is inclined to enhance the same to Rs.60,000/- each. Similarly, considering the place of accident and the residence of the deceased, the compensation awarded under the head of 'transport charges' is enhanced to Rs.10,000/-. Also, the award under the heads of 'loss of estate' and 'funeral expenses' are on the lower side. Hence, this court, considering the present economic situation, is inclined to enhance the same to Rs.16500/- each.

11. In the light of the above discussion, the compensation awarded by



the Tribunal is enhanced as follows:

<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Loss of dependency	18,90,000/-	27,30,000/-
2.	Loss of consortium	1,20,000/-	1,80,000/-
3.	Loss of Estate	15,000/-	16,500/-
4.	Funeral Expenses	15,000/-	16,500/-
5.	Transportation charges	5,000/-	10,000/-
6.	Total	20,45,000/-	29,53,000/-

The amount is rounded off to **Rs.29,53,000/-**

12. Thus, the appellants/claimants are entitled to the enhanced compensation of Rs.29,53,000/- (Rupees Twenty Nine Lakhs and Fifty Three Thousand only).

13. The Civil Miscellaneous Appeal is partly allowed. No costs.

14. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment. No interest for the default period as per orders, if any.



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15. On such deposit, the claimants who are the wife and children of the deceased, are entitled to the enhanced compensation amount in the same ratio as apportioned by the Tribunal and also the same condition as imposed by the Tribunal with regard to the deposit of amount to the account of the minor claimants 2 and 3. The first appellant is permitted to withdraw her respective share by filing necessary application before the Tribunal.

16. Since the compensation amount now awarded is Rs.29,53,000/-, it is made clear that the claimants has to pay the appropriate Court fee in order to receive the enhanced award amount.

05.08.2025

Index : Yes/No
Internet : Yes/No
gv

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To

- 1.The Motor Accident Claims Tribunal
(Small Causes Court, Chennai)

2. 2.Magma HDI General Insurance Co. Ltd.,
Door No.25/3, 1% Floor, Grace Building
Mc.Nichols Road, Chetpet,
Chennai – 600 031.

- 3.The Section Officer,
VR Section, High Court, Madras.

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