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C.M.A. No. 898 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

C.M.A. No. 898 of 2025

1. Rajkumar

2. Vinish Kumar

3. Anishkumar

... Appellants

Vs.

1. Munikrishna

2. IFFCO Tokio General Insurance Company Ltd.,
2nd Floor, S.N.R. Hospital Circle,
Bangarpet Road,
Kolar District,
Karnataka – 563 101.

... Respondents

Prayer: Civil Miscellaneous Petition filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the order dated 29.04.2022 made in M.C.O.P. No. 333 of 2019 on the file of Motor Accident Claims Tribunal, Namakkal, Principal District Judge, Namakkal with interest and cost.

For Appellants : Mr.M.Mohamed Afridi

For Respondents : No appearance (for R1)

Mr.K.Poomalai (for R2)



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J U D G M E N T

(Order of the Court was made by K. Kumaresh Babu, J.)

The learned counsel for the appellants would submit that the 1st appellant is the father of the deceased, who had died in an accident on 07.03.2019. He along with the other appellants had instituted a Motor Accident Claim and an award had been passed awarding a compensation of Rs.19,23,295/-. By calculating the loss of dependency by considering that the deceased was only a Diploma holder in Computer Designing, and not an Engineer by ignoring Ex.P11, which is a provisional certificate, which conferred with the deceased a Degree in B.E. Civil Engineering issued by the Anna University.

2.He would further submit that for the loss of love and affection, only Rs.60,000/- was awarded, whereas the appellants would be entitled to Rs.40,000/- each. Therefore, he seeks indulgence of this Court of the award made in the instant case.

3.Countering his arguments, the learned counsel appearing for the 2nd respondent would submit that there is no error in the award impugned herein with regard to the computation of loss of dependency and the multiplier has also been applied properly. He would further submit that under the head of love and



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affection, Rs.60,000/- had been awarded to the appellants, and that the same also cannot be said to be nominal as the appellants are the father and brothers of the deceased. Hence, he prays this Court to dismiss the appeal.

4.The primordial contention of the appellants is that the Court below had ignored Ex.P11 and relied upon Ex.P14 to fix the notional income of the deceased as Rs.12,000/-. The Ex.P11 is a provisional certificate issued by the Anna University, which evidences that the deceased had completed his Undergraduate Degree in B.E. Civil Engineering. The same is also supported by the consolidated mark statement under Ex.P13. Ex.P14 was a Diploma Certificate given in the name of the deceased much prior to even completing the Undergraduate course in B.E. Civil Engineering.

5.As has been held by a Division Bench in the judgment reported in 2021 1 TNMAC 727 in the case of *New India Assurance Limited -vs- Mr.K.Velmurugan*, the notional income of the Engineering final year student has been fixed at Rs.25,000/- per month. In the present case, the deceased had been completed his Engineering Degree. Hence, the notional income of the deceased ought to have been taken as Rs.25,000/-, but the Court below had ignored Ex.P11 and had given a categorical finding that the deceased is only a Diploma holder in Computer Designing to arrive at the income of the deceased.



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Hence, we are of the view that the impugned order is liable to be interfered with.

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6.In the compensation granted under the head 'love and affection', it is to be seen that the appellants are the father and brothers of the deceased. As per the judgment of the Hon'ble Apex Court in *National Insurance Company Limited -vs- Pranay Sethi and Others* reported in (2017) 16 SCC 680, Rs.40,000/- per head had been fixed under the head of loss of love and affection/consortium.

7.For the aforesaid reasons, we are inclined to interfere with the award passed in the following manner. We re-affirm the compensation awarded under the head of funeral expenses, loss of estate and medical expenses. By taking into account the notional income of the deceased as Rs.25,000/, the loss of dependency would be $\text{Rs.12,500/-} \times 12 \times 17 = \text{Rs.25,50,000/-}$ and future prospects @ 40% would be Rs.10,20,000/-. Further, the compensation under the head 'love and affection' is enhanced to Rs.40,000/- per head i.e., Rs.1,20,000/-.

8.Consequently, the calculation of the revised compensation is as follows:-



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S.No.	Heads under which compensation is awarded	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced
1	Loss of Dependency	Rs.12,24,000/-	Rs.25,50,000/-	Enhanced
2	Future Prospects	Rs.4,89,600/-	Rs.10,20,000/-	Enhanced
3	Love and affection	Rs.60,000/-	Rs.1,20,000/-	Enhanced
4	Funeral expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
5	Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
6	Medical expenses	Rs.1,19,695/-	Rs.1,19,695/-	Confirmed
	Total	Rs.19,23,295/-	Rs.38,39,695/-	Enhanced

9.In the result, the appeal stands disposed of and the award dated 29.04.2022 is modified and the appellants are awarded a compensation of Rs.38,39,695/-. The appellants are entitled for the distribution of the aforesaid award in the same proportion as granted by the Tribunal. They are also entitled to the interest @ 7.5% per annum from the date of the Original Petition. The 2nd respondent shall deposit the aforesaid amount less any amount that has been deposited earlier together with interest within a period of 30 days from the date of receipt of a copy of this order. No costs.

(C.V.K., J.) (K.B., J.)
17.12.2025

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



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To

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1. The Motor Accident Claims Tribunal, Namakkal,
Principal District Judge,
Namakkal.
2. The Section Officer,
VR Section, High Court,
Madras.



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**C.V. KARTHIKEYAN, J.
and
K. KUMARESH BABU, J.**

Maya

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