



C.M.A.Nos.504 & 1649 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.Nos.504 and 1649 of 2021

C.M.A.Nos.504 of 2021:

1.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

2.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

... Appellants

vs.

1.Ashkar
2.Aneesha
3.Vasanthi
4.Abdul Basheer

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 26.09.2019 made in M.C.O.P.No.248 of 2017 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

For Appellants : Mr.S.Arunkumar

For Respondents : Mr.T.Gopinath [R1 & R2]

R3 and R4 – No Appearance



C.M.A.Nos.504 & 1649 of 2021

C.M.A.Nos.1649 of 2021:

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1.Ashkar
2.Aneesha

... Appellants

vs.

1.Vasanthi

2.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

3.Abdul Basheer

4.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 26.09.2019 made in M.C.O.P.No.248 of 2017 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

For Appellants : Mr.T.Gopinath

For Respondents : Mr.S.Arun Kumar [R2 & R4]

R1 and R3 – No Appearance

COMMON JUDGMENT

C.M.A.No.504 of 2021 has been preferred by the Insurance Company against the Award dated 26.09.2019 made in M.C.O.P.No.248 of 2017 on the file of Motor Accident Claims Tribunal, Principal District Court, Perambalur for a change in the quantum of compensation.

2/8



C.M.A.Nos.504 & 1649 of 2021

2. C.M.A.No.1649 of 2021 has been preferred by the claimants against the Award dated 26.09.2019 made in M.C.O.P.No.248 of 2017 on the file of Motor Accident Claims Tribunal, Principal District Court, Perambalur for enhancement of compensation.

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

4. The son and daughter of the deceased Asiya had filed claim petition under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.40,00,000/- for the death of their mother on account of the road traffic accident that took place on 21.11.2016.

5. The Tribunal upon consideration of the evidence granted compensation of Rs.11,22,000/- with interest at the rate of 7.5% p.a., from the date of filing of petition. The amounts granted by the Tribunal under various heads are given hereunder:

Sl. No.	Description	Amount awarded by Tribunal
1	For Loss of Dependency	Rs.10,92,000/-



C.M.A.Nos.504 & 1649 of 2021

2	For Loss of Estate	Rs. 15,000/-
3	For Funeral Expenses	Rs. 15,000/-
	Total	Rs.11,22,000/-

6. It is the evidence of PW1, son of the deceased Asiya who was aged about 27 years at the relevant point of time, at the time of accident, his mother was aged about 40 years and was doing self employment and earning a sum of Rs.20,000/- p.m. Exs.P2 and P3 are the post mortem and death certificate of the deceased Asiya. By relying upon the said documents, the Tribunal has fixed the age of the deceased as 40 years. But, it is relevant to note that the age of the deceased Asisya's son was 27 years. Age of the 2nd claimant who is the daughter of deceased was 25 years. Deceased Asiya would not have been given birth to her son at the age of 13 years. She would have got married at the age of 20 years and at the relevant point of time, her age is fixed as 48 years. PW1 would state that she was doing business and earning a sum of Rs.20,000/- p.m. To substantiate the same, no document is marked by the claimants' side. Even what is the nature of business is not stated by PW1 either in the claim petition or in his evidence. In such circumstances, notional income of the deceased is fixed as Rs.8,000/- p.m.

7. As per the law laid down by the Hon'ble Supreme Court in



C.M.A.Nos.504 & 1649 of 2021

National Insurance Co. Ltd., v. Pranay Sethi and others, reported in **2017 (2) TN MAC 609(SC)**, for future prospects 25% is to be added while computing the loss of dependency. As held in **Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another** reported in **2009 (2) TN MAC 1 (SC)**, the relevant multiplier to be adopted is 13m. Claimants are two in number. Therefore, 1/3rd has to be deducted for personal and living expenses.

8. In consideration of the above said details, following formula emerges for computation of loss of dependency:

$$\text{Rs.8,000/-} + 25\% - 1/3 \times 12 \times 13\text{m} = \text{Rs.10,40,052/-}.$$

9. As per the law laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd., v. Pranay Sethi and others**, reported in **2017 (2) TN MAC 609(SC)**, for loss of consortium an amount of Rs.80,000/- is granted as the claimants are two in number. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and therefore it does not warrant any interference by this Court. Therefore, the amounts awarded as mentioned supra, is reworked and tabulated below:



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C.M.A.Nos.504 & 1649 of 2021

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs.10,92,000/-	Rs.10,40,052/-	Reduced
2	For Loss of Consortium	-	Rs. 80,000/-	Granted
3	For Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	For Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
	Total	Rs.11,22,000/-	Rs.11,50,052/-	
	Rounded off to		Rs.11,50,000/-	

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.11,22,000/- to **Rs.11,50,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

11. In the result,

(i) The C.M.A.No.504 of 2021 filed by the Insurance Company stands dismissed.

(ii) The C.M.A.No.1649 of 2021 filed by the Claimants stand partly allowed.

(iii) The compensation awarded by the Tribunal is enhanced from Rs.11,22,000/- to **Rs.11,50,000/-**.



C.M.A.Nos.504 & 1649 of 2021

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(iv) The 1st Appellant / Insurance Company is directed to deposit the modified compensation amount now determined by this Court i.e., **Rs.11,50,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition **(excluding the period of default, if any)** to the credit of M.C.O.P.No.248 of 2017 on the file before the Motor Accident Claims Tribunal, Principal District Judge, Perambalur, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(v) On such deposit being made, the claimants are at liberty to withdraw the amount now determined by this Court, as per the apportionment made by the Tribunal, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall disburse the compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected miscellaneous petition if any stands closed. No costs.

28.11.2025

Index : Yes/No
Speaking / Non-speaking order
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7/8



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C.M.A.Nos.504 & 1649 of 2021

R.KALAIMATHI, J.,

ssn

To:

1. The Motor Accident Claims Tribunal,
Principal District Judge,
Perambalur.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

C.M.A.Nos.504 and 1649 of 2021

28.11.2025