



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1978 of 2025

1. Vimalarani V

Res at No.9, Bajanai Koil Street,
Pakkam, Kanchipuram 603 306

2.Jayashankari R

Res at No.9, Bajanai Koil Street,
Pakkam, Kanchipuram 603 306

3. GOWRISHANKARI

Res at No.9, Bajanai Koil Street,
Pakkam, Kanchipuram 603 306

Appellant(s)

Vs

1. Ashokan R

No.65, Mullai Street, Santhosh Nagar,
Kolathur, Chennai 99

2.The Manager

ICICI Lombard General Insurance
Co.Ltd., No.84/85, Arihant Plaza, 1st
Floor, Walltax Road, Chennai 1



Respondent(s)

CMA No. 1978 of 2025

PRAYER

To enhance the compensation in the order dated 23.09.2024 made in MCOP.No. 251 of 2022 on the file of MACT/II Small Causes Court at Chennai, with Interest and cost by allowing this appeal

CMA No. 1978 of 2025

For Appellant(s): Mr.M.Lokesh

For Respondent(s): Mr.J.Michael Visuvasam For R2
R1- Vacated

JUDGEMENT

This appeal has been filed to enhance the compensation in the order dated 23.09.2024 made in MCOP.No. 251 of 2022 on the file of MACT/II Small Causes Court at Chennai, with Interest and cost by allowing this appeal.

2. On 06.08.2021 at about 11 hours, the deceased was riding a bicycle from Tindivanam to Chennai direction, at GST Road, Pakkam Vallalar Mandabam near, at that time, the Honda car bearing registration No. TN 02 BK 3040 driven by its driver in a rash and negligent manner hit behind the deceased, due to which the deceased sustained fatal injuries and died on the same day. Thereafter the claimants filed the petition before the tribunal claiming compensation. After considering the oral and documentary evidence, the



tribunal awarded compensation. Challenging the quantum of compensation the claimants filed this appeal.

3. The learned counsel for the petitioner submits that the tribunal has failed to adopt proper multiplier of 5 as per the guidelines enumerated in Sarala Varma Vs. DTC, (2009) 6 SCC 121, subsequently same was reiterated by constitution bench of Apex Court in National Insurance Co. Ltd Vs. Pranay Sethi, (2017) 16 SCC 680. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that tribunal has rightly fixed compensation which needs no interference.

5. Considering the facts and circumstance of the case, this Court is inclined to adopt 5 multiplier and this Court enhance the amount awarded under the head of loss of estate from Rs.1,000/- to Rs.15,000/- for loss of estate. Accordingly, the claimants are entitled to Rs. 4,80,000/-(16,000x12x5-1/2) under the head of disability.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs.1,28,000/-	Rs.4,80,000/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.1,32,000/-	Rs.1,32,000/-



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
4.	Funeral expenses	Rs.16500/-	Rs.16,500/-
5.	Transportation	Nil	Nil
	Total	Rs.2,77,500/-	Rs.6,45,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.6,45,000/-. The 2nd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MACT/II Small Causes Court at Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit being made, the claimants are permitted to withdraw their share in the award amount with proportionate accrued interest and costs, as per the ratio of apportionment made by the Tribunal, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.



7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

26-08-2025

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To

1. The MACT/II Small Causes Court at Chennai
2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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