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CMA No. 2348 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2348 of 2025

1. Indumathi
2. Malarkodi
3. Babu Rajendra Prasath

Appellants

Vs

1. M.Suresh
- 2.The Divisional Manager
United India Insurance Company Ltd.,
Motor Third Party Claims Office,
Residing at No.147/58C, 3rd Floor,
Kamarajar Street, Kancheepuram.

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the amount awarded in MCOP.No.943 of 2016, dated 20-07-2019, on the file of MACT(Addl.Dist.Court (FTC)Kancheepuram.



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For Appellants: Mr.K.Varadhakamaraj

For Respondents: Mrs. R. Sreevidhya For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.943 of 2016, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, mother and father of deceased Ananda Deepa Prasath. The case of appellants is that on 29.08.2016 at about 09.30 hours, when the deceased was riding his two wheeler bearing Regn. No. TN-21 AK-2696 in Orikkai to Periyar Nagar road, in which one Kumar was travelling as a pillion rider, near Udayamankalam, at that time, on the opposite direction, the driver of two wheeler bearing Regn. No. TN-21, AF-8779 dashed on the front side of deceased two wheeler and caused accident. Due to which, the deceased as well as pillion rider fell down, while so, the 1st respondent's lorry bearing Regn. No.TN-46 J-1896 drove it in a rash and negligent manner and dashed on the deceased two wheeler, thereby the deceased and his motor cycle was under the lorry. Due to which, he sustained fatal injuries, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.25,00,000/-.



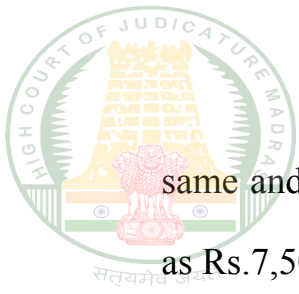
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3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.13,45,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	12,75,000
2.	Medical expenses	---
3.	Funeral expenses	15,000
4.	Loss of consortium	40,000
5.	Loss of estate	15,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	13,45,000

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellants would argue that the accident was happened in the year 2016 and the deceased was working in a private shop, thereby he earned a sum of Rs.20,000/- per month, but without considering the



same and cost of living at that time, the tribunal had fixed the notional income as Rs.7,500/- per month. Hence, they prayed for enhancement of compensation.

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6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 29 years and there is no proof produced on the side of appellants for the income derived by him around Rs.20,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.7,500/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2016 and the deceased was working in a private shop, thereby, he would have earned Rs.15,000/-. Therefore, this Court is inclined to enhance the notional income of the deceased from Rs.7,500/- to Rs.15,000/-.

9. Furthermore, the Tribunal has granted only a sum of Rs.40,000/- under the head of 'Loss of consortium', which is very meagre one, however, each of the petitioner is entitled for a sum of Rs.40,000/- under this head. Accordingly, the total compensation under this head is fixed at Rs.1,20,000/- (Rs.40,000/- x 3). The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.



10. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.15,000/- (add 40% future prospects) = 15000 + 6000 = 21000 21000 x 12 x 17 (multiplier) = 42,84,000 – 1/3 (14,28,000) = 28,56,000	12,75,000	28,56,000	enhanced
2.	Loss of consortium (Rs.40000 x 3)	40,000	1,20,000	enhanced
3.	Funeral expenses	15,000	15,000	confirmed
4.	Loss of estate	15,000	15,000	confirmed
5.	Medical expenses	--	--	
	Total	13,45,000	30,06,000	enhanced

11. Accordingly, the compensation awarded by the tribunal at Rs.13,45,000/- is enhanced to Rs.30,06,000/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 to 3 are entitled to share the amount proportionately as ordered by the Tribunal and they



are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The interest for the delay period is ordered to be waived and the interest is to be calculated from the date of filing this C.M.A.

12. Moreover, as the deceased is third party, the 2nd respondent insurance company has to pay the compensation to the appellants at the first instance and then recover the same from the owner of offending vehicle bearing Regn.No.TN-21 -AF-8779 and lorry bearing Regn.No. TN-46 J-1896.

13. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Addl. District Court (Fast Track Court),
Kancheepuram.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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