



WEB COPY

CMA No. 1601 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1601 of 2025

1. S.Priya
2. S.Sivasakthi
3. S.Sivaramakrishnan

Appellants

Vs

1. Annai Metals
2. The Manager, Reliance General Insurance Co.Ltd.
No. 6, 4th Floor, Reliance House, Haddows Road,
Nungambakkam, Chennai-06. Current Address Chennai
City Centre, 5th Floor, No. (10 and 11) Dr.Radhakrishnan
Road, Mylapore, Chennai-004. (1st Respondent has been
set ex-parte by the Tribunal)

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the compensation awarded in the impugned Order dated 05.09.2024 made in MCOP No. 2958 of 2021 on the file of learned Motor Accident Claims Tribunal and II Judge, Court of Small Causes Court, Chennai.



WEB COPY

CMA No. 1601 of 2025



For Appellants: Mr.S.Ravikumar

For Respondents: Mr.P.Suresh Srinivasan For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.2958 of 2021, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, daughter and son of deceased V.Sanmugam. The case of appellants is that on 26.06.2021 at about 16.00 hrs., when the deceased was riding his two wheeler bearing Regn. No. TN-11 E-9610 from south to north opposite to Fomra Housing Building, Tambaram to Puzhal bypass road Chennai, at that time, a TATA ACE bearing Regn. No. TN-10-BF-2437, which is parking on the same direction in No parking area without any indication, due to which the deceased motorcycle hit behind the Tata Ace van, and caused an accident. Due to which, the deceased was thrown out and sustained head injury as well as multiple fatal injuries all over the body, 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.40,00,000/-.



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.21,25,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	19,76,000
2.	Loss of spouse consortium for 1 st petitioner	44,000
3.	Parental consortium for 2 nd and 3 rd petitioners	88,000
4.	Funeral expenses	16,500
5.	Loss of estate	1,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	21,25,500

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 2021 and he was working as a mason, thereby he had



earned a sum of Rs.800/- per day, but the tribunal had not properly fixed the income of appellant. Hence, they prayed for enhancement of compensation.

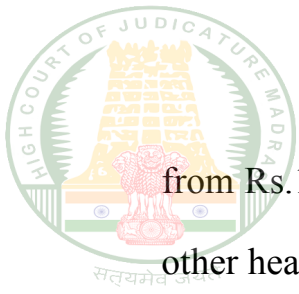
WEB COPY

6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 46 years and he was a mason by profession, but there is no proof produced on the side of appellants for the income derived by him as a mason around Rs.800/- per day. Hence, the Tribunal had rightly fixed the notional income as Rs.15,200/-, 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 2021 and he was working as a mason, even per day his income is to be considered as a sum of Rs.600/- and he would have earned Rs.18,000/- per month. Therefore, considering his age as well as cost of living at that time, this Court is inclined to enhance the notional income of the deceased V.Sanmugam from Rs.15,200/- to Rs.18,000/-.

9. Furthermore, the Tribunal has granted only a sum of Rs.1,000/- under the head of 'Loss of estate', which is very meagre one. Therefore, this Court is inclined to enhance compensation awarded under the head of Loss of estate



from Rs.1,000/- to Rs.16,500/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

WEB COPY

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.18,000/- (add 25% future prospects) = 18000 + 4500 = 22500 22500 x 12 x 13 (multiplier) = 35,10,000 – 1/3 (11,70,000) = 23,40,000	19,76,000	23,40,000	enhanced
2.	Loss of spouse consortium for 1 st appellant	44,000	44,000	confirmed
3.	Loss of parental consortium for 2 nd and 3 rd appellants	88,000	88,000	confirmed
4.	Funeral expenses	16,500	16,500	confirmed
5.	Loss of estate	1,000	16,500	enhanced
	Total	21,25,500	25,05,000	enhanced

11. Accordingly, the compensation awarded by the tribunal at Rs.21,25,500/- is enhanced to Rs.25,05,000/-. 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.

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

08-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.

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



WEB COPY

CMA No. 1601 of 2025



T.V.THAMILSELVI J.

rpp

CMA No. 1601 of 2025

**08-08-2025
(1/2)**