



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2326 of 2025

1. N.Sureshkumar
S/o.Late.Nagaraj, Road St, Ayarpadi
Village, Nemili Tk, Vellore Dist.

Appellant(s)

Vs

1. M/s. Bala Indane Gas Services
NO.26, Trunk Road, Walajapet, Vellore
Dist.

2.The Divisional Manager
United India General Insurance Co.Ltd,
Motor Third Party Claim Office,
No.147/58C, 3rd Floor, Kamarajar St,
Kanchipuram.

Respondent(s)

CMA No. 2326 of 2025

PRAYER

To enhance the amount awarded in MCOP.No.557 of 2017, dated 28-06-2019,
on the file of the MACT, (Dist.Court,-II), Kancheepuram.

**CMA No. 2326 of 2025**

For Appellant(s): Mr. K. Varadha Kamaaj

For Respondent(s): Mr. Krishnamoorthy For R2

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MCOP.No.557 of 2017, dated 28-06-2019, on the file of the MACT, (Dist.Court,-II), Kancheepuram.

2. On 24.04.2017 at about 10.30 p.m the deceased was going on the extreme left side of the Vellore to Chennai road by following traffic rules and regulations. When he was going near opposite of Ocheri funeral ground, the driver of Eicher lorry bearing registration No. TN 73 J 6500 driven the lorry in a rash and negligent manner dashed on the back side of the deceased and caused the accident due to which the deceased sustained fatal injuries and died. Thereafter, the claimants filed the petition before the tribunal claiming compensation and first respondent contested the case by filing counter. After considering the oral and documentary evidence, the Tribunal awarded compensation. Challenging the quantum of compensation the claimant filed this appeal.



3. The learned counsel for the petitioner submits that Tribunal has fixed only Rs. 7500/- as notional income of the deceased which is very meagre and also awarded less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the deceased is agriculture coolie living in remote village therefore the tribunal has rightly fixed Rs. 7500/- as notional income. Further, the claimant is only son of the deceased and his wife is pre-deceased therefore the Tribunal ought to have deducted $\frac{1}{2}$ towards personal and living expenses but it deducted $\frac{1}{3}$. Hence, he prays to dismiss this petition. Hence, he prays to dismiss this petition.

5. Considering the fact that at the time of the accident the deceased is agriculture coolie and considering the cost of living at the time of the accident this Court is inclined to fix Rs.12,000/- as notional income of the deceased. As rightly pointed by the respondent counsel the claimant is the only dependent. Therefore, the tribunal ought to have deducted $\frac{1}{2}$ towards personal expenses. This Court is inclined to deduct $\frac{1}{2}$ towards personal and living expenses.



Accordingly, the claimant is entitled to Rs. 8,71,200/-(12,000+1200x12x11-1/2)

under the head of loss of dependency. Except above modification the award passed by the tribunal in other heads remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs. 5,94,000/-	Rs. 8,71,200/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.40,000/-	Rs.40,000/-
4.	Funeral and transportation expenses	Rs.15,000/-	Rs.15,000/-
	Total	Rs.6,64,000/-	Rs. 9,41,200/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.9,41,200/-. 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 MCOP.No.557 of 2017, dated 28-06-2019, on the file of the MACT, (Dist.Court,-II), Kancheepuram, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is



permitted to withdraw the award amount by making formal application before the Tribunal. Further, the interest for the default period is ordered to be waived.

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

21-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The MACT, (Dist.Court,-II), Kancheepuram.

2. The Section officer, High Court, Madras.



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T.V.THAMILSELVI J.
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