



WEB COPY

CMA No. 1609 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1609 of 2025

1. VIJAYA

W/o.Late.Raj, No.45, Venkatesa
Subramaniam 2nd Cross Street,
Valasaravakkam, Chennai - 600087.

2. R.Kumaresan

S/o.Late.Raj, No.45, Venkatesa
Subramaniam 2nd Cross Street,
Valasaravakkam, Chennai - 600087.

3. R.Bhuvaneswari

D/o.Late.Raj, No.45, Venkatesa
Subramaniam 2nd Cross Street,
Valasaravakkam, Chennai - 600087.

Appellant(s)

Vs

1. P.Barath

No.1/14, Pillaiyar Koil Street,
Sivapothamedu, Vanagaram, Chennai -
600090.

2.M/s. Royal Sundaram General



Insurance Co.Ltd.,
Subramaniam Building, 2nd Floor,
No.1, Club House Road, Anna Salai,
Chennai - 600002.

Respondent(s)

CMA No. 1609 of 2025

PRAYER

To allow this CMA by enhancing the Compensation awarded in the dated 25-10-2024 passed in MCOP.No.1905/2020 on the file of the Motor Accident Claims Tribunal, Chennai(Chief Judge, Court of Small Causes, Chennai)

CMA No. 1609 of 2025

For Appellant(s): K.Balaji

For Respondent(s): Mr.S.Srinivasan For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed for enhancing the Compensation awarded in the dated 25-10-2024 passed in MCOP.No.1905/2020 on the file of the Motor Accident Claims Tribunal, Chennai(Chief Judge, Court of Small Causes, Chennai)(in short "tribunal").

2. On 13.02.2020, at about 06.30 hours while the victim was crossing pedestrian cross at Arcot Road near Dr. Ambedkar Play Ground,



Valasarvakkam, Chennai, a motorcycle bearing registration No. TN 12 AH 8638

driven in a rash and negligent manner rammed against the victim, due to which,

the victim sustained grievous injuries and died on 19.02.2020 at Rajiv Gandhi

Government General Hospital. Thereafter, the claimants filed the petition before

the tribunal claiming compensation. The respondent insurance company

contested the case by filing counter. After considering the oral and documentary

evidence, the tribunal awarded a sum of Rs.12,40,000/- as compensation.

Challenging the quantum of compensation, the claimants filed this appeal.

3. The learned counsel for the appellant submits that the deceased was worked a carpenter and earned a sum of Rs.25000/- but the tribunal as fixed only Rs.15,000/- as income of the deceased. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent insurance company submits that the tribunal has rightly fixed the income of the deceased which needs no interference.

5. Considering the fact the accident was happened in the year 2020 and also deceased was worked as a carpenter. Taking into consideration of the cost



of living at the time of the accident, this Court is inclined to fix Rs.18,000/- as notional income of the deceased. Further, this Court is inclined to fix 10% for future prospect for the deceased. Accordingly, the claimants are entitled to Rs.14,25,600/- under the head of loss of dependency. Except above modification, the award passed by the tribunal in other heads remain unchanged.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.10,80,000/-	Rs.14,25,600/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.1,20,000/-	Rs.1,20,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.10,000/-	Rs.10,000/-
	Total	Rs.12,40,000/-	Rs.15,85,600/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 15,85,600/-**. 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.1905/2020 on the file of the Motor Accident Claims Tribunal,
Chennai(Chief Judge, Court of Small Causes, Chennai) , within a period eight

weeks from the date of receipt of a copy of this judgement. On such deposit,
the appellants/claimants are permitted to withdraw the award amount by making
formal application before the Tribunal. The 2nd respondent may deduct the
amount, if any amount has already deposited before the tribunal.

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

01-07-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1.P.Barath

No.1/14, Pillaiyar Koil Street,
Sivapothamedu, Vanagaram, Chennai -
600090.

2.M/s. Royal Sundaram General

Insurance Co.Ltd.,
Subramaniam Building, 2nd Floor,
No.1, Club House Road, Anna Salai,
Chennai – 600002.

3. The Section Officer, V. R Section,
High Court, Madras.

4. The Motor Accident Claims
Tribunal, Chennai(Chief Judge, Court
of Small Causes, Chennai)



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T.V.THAMILSELVI J.
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