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CMA No. 1608 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1608 of 2025

1. K.Periyasamy

S/o.Kandhasamy, No.2/16, Main Road,
Alagiripalayam, Kunnam Tk,
Perambalur 621 713.

2. M. Chitra

W/o.Meganathan, No.2/14, East St,
Alagiripalayam, Kunnam Tk,
Perambalur 621 713.

Appellant(s)

Vs

1. PICHAIPILLAI

S/o.Solaimuthu, No.178, 2/28, Vadakku
Theru, Periyaammappalayam, Kunnam
Tk, Perambalur 621 708.

2.United India Insurance Co.Ltd

Sillingi Building, New No.134, Old
No.40-45, Greaves Road, Chennai 6.

Respondent(s)



CMA No. 1608 of 2025

PRAYER

To allow the above CMA and enhance the award amount in Judgment and Decree dated 19.02.2025 made in MCOP No.3794 of 2023 on the file of Motor Accident Claims Tribunal/Special Sub Judge - I, Court of Small Causes, Chennai by allowing this CMA.

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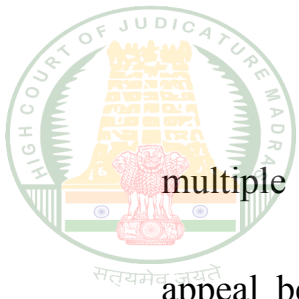
For Appellant(s): Mr.Amar D.Pandiya For
Mr.M.Karuppaiah

For Respondent(s): Mr.K.Swaminathan For R2

JUDGEMENT

This Appeal has been filed to enhance the award amount in Judgment and Decree dated 19.02.2025 made in MCOP No.3794 of 2023 on the file of Motor Accident Claims Tribunal/Special Sub Judge - I, Court of Small Causes, Chennai.

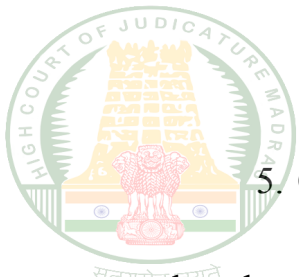
2. On 24.01.2023 at about 07.15 p.m., while the deceased Parvathy was a pedestrian near one Vijay House, Alagiripalayam, from East to West, Perambalur to Ariyalur Road, at the time a Motorcycle bearing registration No. TN 46 S 4860 came from South to North direction in a rash and negligent manner dashed against the deceased due to which the deceased sustained



multiple injuries and died on the same day. Thereafter, the claimants filed the appeal 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.1,15,000/- as compensation. Challenging the quantum of compensation, the claimants preferred this appeal.

3. The learned counsel for the appellant submits that since the deceased was aged about 74 years, the tribunal has failed to fix the monthly income of the deceased under the head of loss of income and under the head of future prospects and also not adopted multiplier method. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the deceased was about 74 years old and there is no income proof was provided to prove the income of the deceased and there is no loss of income for the deceased. Hence, the tribunal has rightly fixed compensation which needs no interference.

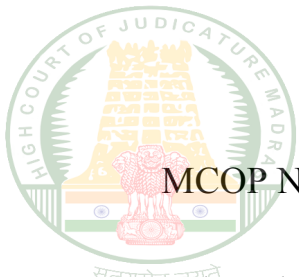


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5. Considering the facts and circumstances of the case and also the fact that the deceased was about 74 year at the time of the accident and there is possibility for earning at the age of 74 years. Further, the accident was happened in the year 2023. Hence, this Court is inclined to fix Rs.10,000/- as income of the deceased and this Court adopt 5 as multiplier. Accordingly, the claimants are entitled to $10,000 \times 12 \times 5 - (1/3)$ Rs.4,00,000/-. Except above modification, award passed by the tribunal in other heads remains unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Nil	Rs.4,00,000/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.80,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation expenses	Rs.5,000/-	Rs.5,000/-
	Total	Rs.1,15,000/-	Rs.5,15,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. 5,15,000/-. 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



MCOP No.3794 of 2023 on the file of Motor Accident Claims Tribunal/Special

Sub Judge - I, 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 appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

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

08-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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S/o. Solaimuthu, No. 178, 2/28, Vadakku
Theru, Periyaammappalayam, Kunnam
Tk, Perambalur 621 708.

2. United India Insurance Co. Ltd

Sillingi Building, New No. 134, Old
No. 40-45, Greaves Road, Chennai 6.

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

4. The Motor Accident Claims
Tribunal/Special Sub Judge - I, Court of
Small Causes, Chennai



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T.V.THAMILSELVI J.
pbl

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