



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1487 of 2025

1. G.Nalini

W/o. Gangadharan, Residing at No.4,
MGR Street, Oragadam, Ambattur,
Chennai-600 053

2. Ashwini

D/o. Gangadharan, Residing at No.4,
MGR Street, Oragadam, Ambattur,
Chennai-600 053

Appellant(s)

Vs

1. K. Munusamy

S/o. Kannan, No.12B/8,Kadappa Road,
new Lakshmipuram, Kolathur,
Chennai-99

2.The Manager

United India Insurance co. Ltd.,
No.134, Silling Building 4th Floor,
Motor TP Hub, Greams Road, Chennai-
600 006

Respondent(s)



PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award dated 07-04-2025 in MCOP.No.1397/2022 on the file of MACT, Chief Judge, Court of Small Causes, Chennai.

For Appellant(s): G. Vijaya Kumar

For Respondent(s): Mr.J.Maichael Visuvasam For R2

JUDGEMENT

The appellants have filed this appeal seeking enhancement of the award dated 07.04.025 in MCOP.No.1397/2022 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

2. The learned counsel for the appellants submitted that the deceased is survived by his wife and daughter. Therefore, the 50% deduction towards the personal expenses of the deceased requires modified.

3. The learned counsel for the 2nd respondent raised an objection, contending that the daughter was already married and was not dependent on the deceased. In support of this contention, he relied on the ratio laid down in 2025 SCC Online SC 1090: 2025(3) RCR(Civil) 217 : 2025 INSC 675, Paragraph No.13, which reads as follows:

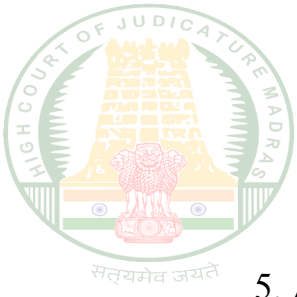


WEB COPY

" 13. Once a daughter is married, logical presumption is that she now has rights on her matrimonial house hold and is also financially supported by her husband or his family, unless proven otherwise. It is more than likely that her dependence on her natal family, including her mother has now ceased. Sections 166 and 168 of the Motor Vehicles Act, 1988 focus on the financial relationship between the deceased and the claimant. A married daughter may be considered a legal representative, as per Manjuri Bera, but she will not be eligible for loss of dependency compensation unless it is proven by the daughter that she was financially dependent on the deceased. Thus, it is clear from the record that appellant No.1 has failed to prove that she was being financially supported by her mother post marriage and hence cannot be said to be a dependent of her mother, the deceased.

14. Therefore, it is our opinion the High Court correctly relied on Manjuri Bera while holding that appellant No.1, as the legal representative of the deceased, will only be entitled to compensation envisaged in Section 140 of the Motor vehicle Act, 1988, as liability under the same does not cease to exist in the absence of dependency."

4. On considering both side submissions, it reveals that the daughter, 2nd appellant / 2nd petitioner, cannot be considered a dependent of either the mother or the deceased, since she was married. Hence, the findings rendered by the Tribunal require no interference.



WEB COPY

5. Accordingly, this Civil Miscellaneous appeal is dismissed. There shall be no order as to costs.

(i) The 2nd respondent, United India Insurance co. Ltd., Chennai-600 006, is directed to deposit the compensation amount awarded by the Tribunal i.e., Rs.35,53,200/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 1397 of 2022 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, within a period of four weeks from the date of receipt or uploading of a copy of this order.

(ii). Upon such deposit being made by the 2nd respondent, the appellants/claimants are at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.



(iii). The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

WEB COPY

26-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri

To

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

2. The Manager

United India Insurance co. Ltd.,
No.134, Silling Building 4th Floor,
Motor TP Hub, Greams Road,
Chennai-600 006.

3. The Section Officer, VR Section,
High Court of Madras.



WEB COPY

CMA No. 1487 of 2025



T.V.THAMILSELVI J.
rri

CMA No. 1487 of 2025

26-06-2025