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CMA No. 1545 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1545 of 2025

1. Latha

2. Minor R.Naveenkumar

2nd Appellant minor rep by natural
guardian 1st petitioner mother R.Latha

3. K.Pushpa

Appellants

Vs

1. J.Janarthanan

2.United India Insurance Company Ltd
Regional Office, Silingi Buildings, New
No. 134, Old No. 40-42, Greems Road,
Chennai 006

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the award against the Judgment and Decree dated 21.01.2025 in MCOP No. 4113 / 2023 on the file of MACT / Special Sub Court No.1, Small Causes Court in Chennai.



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For Appellant(s): Mr.A.Sathishkumar

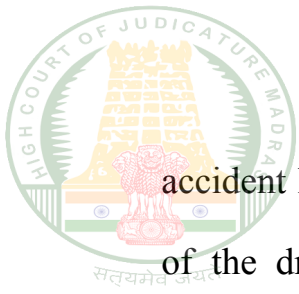
For Respondent(s): Mr.S.Dhakshnamoorthy For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.4113 of 2023, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, son and mother of deceased K.Ravikumar. The case of appellants is that on 12.07.2023 at about 05.30 hours, when the deceased was riding a two wheeler bearing Regn. No. TN-45 AQ-0543 from Padappan to SP Kovil for his work at Walajabath road near Padappai TVS Mobility, at that time, the driver of lorry bearing Regn. No. N-01 AL-7663 suddenly taken reverse in a rash and negligent manner, dashed the deceased two wheeler and caused an accident. Due to which, the deceased sustained head injury as well as multiple grievous 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.45,00,000/-.

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/1st respondent herein. Having come to such a conclusion, the

Tribunal fixed the total compensation payable at Rs.17,19,000/- after deducting 10% of contributory negligence under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	17,55,000
2.	Loss of consortium	1,20,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Transport charges	5,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	19,10,000
	Less :- 10% towards contributory negligence	1,91,000
	Net Compensation	17,19,000

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 2023 and the deceased worked as salesman in Indian Oil Petrol Bunk, to that effect, Ex.P11 salary certificate was produced to show that the deceased had received the salary of Rs.20,200/-, but without considering the



same, the tribunal had fixed the notional monthly income at Rs.13,500/-. Hence, they prayed for enhancement of compensation.

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6. The learned counsel for 2nd respondent raised objections stating that the tribunal has rightly considered the salary certificate produced by them, but it is not supported with any other material evidence and also not established the fact that the deceased was in employment in the said petrol bunk nor produced any identity card. Hence, the tribunal has not applied the multiplier and fixed a sum of Rs.13,500/- as his notional monthly income. He would also submit that the driving license of deceased was produced, but it was not renewed at the time of accident. Therefore, the Tribunal had rightly fixed the notional monthly income as well as the compensation awarded under other heads are sustainable one, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants as well as 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that even assuming that there is no document produced to support Ex.P11 salary slip, the accident was happened in the year 2023 and he was aged about 46 years at the time of accident, he would have earned a sum of Rs.650/- per day. Therefore, considering the cost of living at that time as well as considering his age and also considering his salary slip,



this Court is inclined to enhance the notional monthly income of the deceased Ravikumar from Rs.13,500/- to Rs.19,500/- per month. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

9.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 dependency Rs.19,500/- (add 25% future prospects) = 19500 + 4875 =24375 24375 x 12 x 13 (multiplier) = 38,02,500 – 1/3 (12,67,500) = 25,35,000	17,55,000	25,35,000	enhanced
2.	Loss of consortium	1,20,000	1,20,000	confirmed
3.	Loss of estate	15,000	15,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Transport charges	5,000	5,000	confirmed
	Total	19,10,000	26,90,000	enhanced
	Less :- 10% of contributory negligence		2,69,000	
	Net compensation	17,19,000	24,21,000	



10. Accordingly, the compensation awarded by the tribunal at Rs.17,19,000/- is enhanced to Rs.24,21,000/-. 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 and 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.

11. As far as the share of minor 2nd appellant is concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellant's mother, once in three months.

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

22-07-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Sub-Court No.I, Small Causes Court, Chennai.

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



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T.V.THAMILSELVI J.

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