



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1787 of 2023

Usha

... Appellant

Vs.

1. Kalaivanan

2. The Manager,
United India Insurance Company Limited,
Motor 3rd Party Hub, Silingi Buildings,
4th Floor, No.134, Greems Road, Chennai – 06.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award dated 21.11.2022 in M.C.O.P.No.6823 of 2018 on the file of the Motor Accident Claims Tribunal, VI Judge, Small Causes, Chennai.

For Appellant : Mr.K. Ayyadurai
For Respondent-2 : Mr.R. Rathna Thara



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JUDGMENT

The appellant had filed this appeal to enhance the award dated 21.11.2022 in M.C.O.P.No.6823 of 2018 on the file of the Motor Accident Claims Tribunal, VI Judge, Small Causes, Chennai. .

2. The brief facts of the case of the appellant/claimant is as follows:

On 08.09.2018 at about 17.10 hours when the deceased was travelling as a pillion rider in a motor cycle bearing Reg.No. TN-05-BS-6529, the rider of the said two wheeler dashed against the Kodaimara Salai House, as a result of which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the wife of the deceased filed a claim petition before the Tribunal seeking compensation for a sum of Rs.15,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.23,38,000/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.25,000/- as monthly income of the deceased as he was earning Rs.15,000/- per month at the time of accident. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials available on record.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.22,68,000/- towards loss of dependency;



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Rs.40,000/- towards loss of consortium; Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses.

9. Considering the occupation of the deceased and his bank statement, it would be just and appropriate to fix Rs.16,000/- as his monthly income As per the decision rendered in the case of ***National Insurance Co. vs Pranay sethi and others***, reported in ***2017 (2) TNMAC 601*** 40% is to be added towards future prospects of the deceased. As per the Judgment passed by this Court on 10.01.2013 in ***C.M.A.No.114 of 2013 reported in 2013(2) TN MAC 851*** 1/3rd of the income ought to have deducted for the purpose of computing the dependency compensation, where as the Tribunal has deducted ½ of the income. Hence, the method adopted in the above Judgment is taken into consideration.

Calculation

Notional Income = Rs.16,000/-

40% Future Prospects = 16,000 + 6,400 = 22,400/-

After 1/3rd deduction = 22,400 – 7,467 = Rs.14,933/-



Loss of dependency

$$= \text{Rs.}14,933 \times 12 \times 18$$

$$= \text{Rs.}32,25,528/-.$$

The compensation awarded under the other heads are reasonable and does not require interference of this Court.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Dependency	22,68,000/-	32,25,528/-
2.	Loss of consortium	40,000/-	40,000/-
3.	Loss of estate	15,000/-	15,000/-
4.	Funeral Expenses	15,000/-	15,000/-
	Total	Rs.23,38,000/-	Rs.32,95,528/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.23,38,000/- to Rs.32,95,528/-**, which shall carry interest at the rate of 7.5% per annum.



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11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.23,38,000/- to Rs.32,95,528/-.**

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent/United India Insurance Company Limited,, is directed to deposit the enhanced compensation amount, i.e., **Rs.32,95,528/-**, (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.6823 of 2018 on the file of the Motor Accident Claims Tribunal, VI Judge, Small**



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Causes, Chennai within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

01.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

smn

To

1. The Motor Accidents Claims Tribunal, VI Judge, Small Causes, Chennai.

2. The Manager,
United India Insurance Company Limited,
Motor 3rd Party Hub, Silingi Buildings,
4th Floor, No.134, Greems Road, Chennai – 06.

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

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T.V.THAMILSELVI, J.

smn

C.M.A.No.1787 of 2023

01.08.2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

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For Appellant : Mr.K. Ayyadurai

For Respondent-2 : Mr.R. Rathna Thara



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JUDGMENT

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the respondent.

2.It is brought to the notice of this Court that some typographical error has been crept in Paragraph Nos.2,9,10 and 11 of the Order dated 01.08.2025. The said Paragraph Nos.2,9,10 and 11 are to be replaced as follows:

2. The brief facts of the case of the appellant/claimant is as follows:

*On 08.09.2018 at about 17.10 hours when the deceased was travelling as a pillion rider in a motor cycle bearing Reg.No. TN-05-BS- 6529, the rider of the said two wheeler dashed against the Kodaimara Salai House, as a result of which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the **widow mother of the deceased** filed a claim petition before the Tribunal seeking compensation for a sum of Rs.15,00,000/-.*

9. Considering the occupation of the deceased and his bank statement, it would be just and appropriate to fix Rs.16,000/- as his monthly income As per the decision rendered by the Hon'ble Apex Court ½ of the income should be deducted towards personal expenses and the same is applied to the case to arrive at the compensation.

Calculation



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Notional Income = Rs.16,000/-
40% Future Prospects = 16,000 +
6,400 = 22,400/-
After 1/2 deduction = 22,400 – 11,200
= Rs.11,200/-
Loss of dependency

= Rs.11,200 x 12 x 18
= Rs.24,19,200/-. *The compensation*
awarded under the other heads are reasonable
and does not require interference of this Court.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Dependency	22,68,000/-	24,19,200/-
2.	Loss of consortium	40,000/-	40,000/-
3.	Loss of estate	15,000/-	15,000/-
4.	Funeral Expenses	15,000/-	15,000/-
	Total	Rs.23,38,000/-	Rs.24,89,200/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.23,38,000/- to Rs.24,89,200/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:



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i. *The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.*

ii. *The compensation awarded by the Tribunal is enhanced from **Rs.23,38,000/- to Rs.24,89,200/-**.*

iii. *The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.*

iv. *The second respondent/United India Insurance Company Limited,, is directed to deposit the enhanced compensation amount, i.e., **Rs.24,89,200** /-, (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.6823 of 2018 on the file of the Motor Accident Claims Tribunal, VI Judge, Small Causes, Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.*

v. *On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.*

vi. *The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.*

3. Registry is directed to make out the necessary correction in the order copy and issue fresh order copy to the parties forthwith.



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4. In other respects, the order dated 01.08.2025 shall remain unaltered.

11.11.2025

Index:Yes/No

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T.V.THAMILSELVI, J.

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