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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2277 of 2025

- 1.Prema
- 2.Minor Iniyan
- 3.Valarmathi
- 4.Vadivel

... Appellants

Vs.

1. Rafeeqhamed
2. Shriram General Insurance Company Limited
E-8 EPIP RIICO Industrial Area
Sitapura, Jaipur
3. Chinnathambi
4. Reliance General Insurance Company Limited,
Branch Office, Sree Lakshmi Complex
1st Floor, Omalur Main Road
Bharathi Street, Swarnapuri
Salem.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the Award dated 09.02.2024 made in M.C.O.P No.208 of 2016 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankari.



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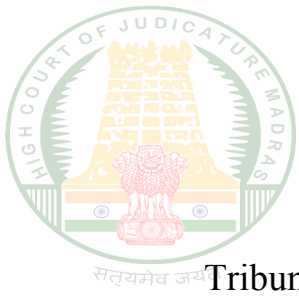
For Appellant : Mr.S.Ramprabu
for Mr.K.Vasanthanayagan
For Respondent-2 : Mr.S.Dakshnamoorthy

JUDGMENT

The appellants have filed this appeal against the Decree and Judgment dated 09.02.2024 passed in M.C.O.P.No.208 of 2016, by the Motor Accident Claims Tribunal/ Subordinate Judge, Sankari.

2. The brief facts of the case of the appellants/claimants are as follows:

On 20.11.2015 at about 6.45 p.m at A.B Road, when the deceased along with the cleaner were proceeding slowly in a Lorry bearing Reg.No. TN-28-AF-7529 from Madurai to Delhi, on the left side of A.B Road opposite to Patel Hotel, 7 kms North from Sivapuri Police station, at that time a lorry bearing Reg.No.HR-73-7705 came from Shivapuri side, which was driven by its driver in a rash and negligent manner and all of a sudden, came wrong side and hit against the Lorry bearing registration No.TN-28-AF-7529. Due to the said accident, the deceased sustained severe injuries all over his body and he died on the way to hospital. Hence, the legal heirs of the deceased has filed a claim petition before the



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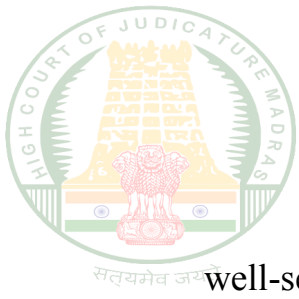
Tribunal seeking compensation for a sum of Rs.25,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.20,54,300/- 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.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.9,000/- as monthly income of the deceased as he was earning Rs.25,000/- 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



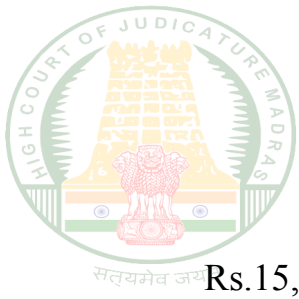
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well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard Mr.S. Ramprabu learned counsel for the appellants and Mr.S.Dakshnamoorthy, learned counsel for the second respondent.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.19,27,800/- for total loss of dependency; Rs.66,000/- towards love and affection; Rs.44,000/- towards loss of consortium; Rs.16,500/- towards funeral expenses.

9. From the materials available on record, it is seen that the appellants have contended that deceased was working as a driver and was earning a sum of Rs.25,000/- per month at the time of accident. But, no proof of income has been filed by the appellants/claimants. In the absence of material evidence, the Tribunal fixed a sum of Rs.9,000/- as monthly income of the deceased, who died in the accident that had occurred in the year 2015, which is meager. However, considering the rise in cost of living and other related factors, it would be appropriate to fix a sum of



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Rs.15,000/- towards monthly income of the deceased. Accordingly, the loss of income is modified as follows:

Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000/-

After 1/4 deduction = 21,000 – 5,250 = Rs.15,750/-

Loss of dependency

= Rs.15,750 x 12 x 17

= Rs.32,13,000/-.

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	19,27,800/-	32,13,000/-
2.	Loss of consortium (wife)	44,000/-	44,000/-



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3.	Loss of estate	Nil	16,500/-
4.	Funeral Expenses	16,500/-	16,500/-
5	Love & Affection	66,000/-	1,20,000/-
	Total	Rs.20,54,300/-	Rs.34,10,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.20,54,300/- to Rs. 34,10,000/-**, which shall carry interest at the rate of 7.5% per annum.

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.20,54,300/- to Rs. 34,10,000/-**.
- 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/Reliance General Insurance Company Limited, is directed to deposit the enhanced compensation amount, i.e., **34,10,000/-**, (after deducting the amount already deposited), together with



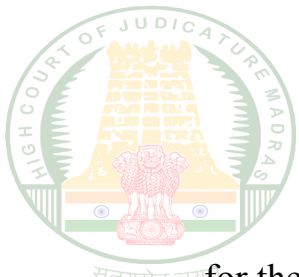
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interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No.208 of 2016, on the file of the Subordinate Judge, Motor Accident Claims Tribunal at Sankari, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellants/claimants is at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal, after following due process of law.

vi. The second appellant being minor, is directed to have his respective shares of the award amount invested in any one of the Nationalized Banks under a Fixed Deposit Scheme initially **for a period of three years** which shall be renewed periodically until he attains majority. The 1st appellant/1st claimant, being the natural guardian of the minor claimant, is permitted to withdraw the interest accrued thereon **once in three months**, and the same shall be utilized for the welfare of the minor claimant.

vii. The appellants/claimants shall not be entitled to claim interest



for the period of delay, if any, in filing this appeal.

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19.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accidents Claims Tribunal/Subordinate Judge, Sankari
2. Shriram General Insurance Company Limited
E-8 EPIP RIICO Industrial Area
Sitapura, Jaipur.
3. Reliance General Insurance Company Limited,
Branch Office, Sree Lakshmi Complex
1st Floor, Omalur Main Road
Bharathi Street, Swarnapuri
Salem.
4. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.



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