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CMA No. 2258 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2258 of 2025

1. Srividhya
2. Anjana
3. Ajay
4. Savithri

Appellants

Vs

1. Saravanakumar
- 2.IFFCO-TOKIO General Insurance
Co.Ltd.,
Srinivasan Arcade, 1st Floor, No.9/14
Advaita Ashram Road, Salem Dist -
636 004.

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Award dated 01-11-2021 made in MCOP.No.940 of 2020, on the file of Special Dist.Judge, MCOP Tribunal, Salem.



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For Appellants: Mr.S.Ramprabu For
Mr.K.Vasanthanayagan

For Respondents: Mr.J.Micheal Visuvasam For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.940 of 2020, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, daughter, son and mother of deceased Janardhanan. The case of appellants is that on 20.07.2020 at about 09.15 a.m. when the deceased was riding his two wheeler bearing Regn. No. TN-34 Q-9208 in Bhavani to Sankari main road opposite to T.B.Road, Ajanta departmental store, at that time, the driver of two wheeler bearing Regn. No. TN-52 P-2627 drove it in a rash and negligent manner, all of a sudden, hit the two wheeler of deceased and caused 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.50,00,000/-.



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 of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.14,80,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	13,20,000
2.	Loss of love and affection	80,000
3.	Loss of consortium	20,000
4.	Medical bills	35,000
5.	Funeral expenses	25,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	14,80,000

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 first appellant produced the salary certificate marked as Ex.X2 to prove the fact that at the time of accident, the deceased had earned a sum of Rs.25,000/-, but without



taking note of that and without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.15,000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent also pointed out that though they have produced the salary certificate, which is not supported by bank statement and the same was rightly appreciated by the tribunal, which needs no interference of this court.

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

8. On seeing the facts, it reveals that the accident was happened in the year 2020 and according to petitioners, the deceased was an Accounts Manager and aged about 53 years at the time of accident. But, admittedly, though the salary certificate was produced, it was not supported by bank statement. Considering that and also considering the cost of living at that time as well as considering his age, even per day he would have earned a sum of Rs.600/- and earned Rs.18,000/- per month, this Court is inclined to enhance the notional income of the deceased Janardhanan from Rs.15,000/- to Rs.18,000/- and 10% of future prospects is also to be arrived.



9. Furthermore, the Tribunal has granted only a sum of Rs.20,000/- under the head of 'Loss of consortium', which is very meagre one. Accordingly, the total compensation under this head is fixed at Rs.40,000/-. Moreover, the tribunal has not awarded any sum under the head of "Loss of estate". Considering that, this court is inclined to award a sum of Rs.15,000/- under the said head and the sum awarded under the head of funeral expenses is reduced from Rs.25,000/- to Rs.15,000/-. The compensation that has been fixed under the head of medical expenses is reasonable and does not require the interference of this Court.

10. 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 income Rs.18,000/- (add 10% future prospects) = 18000 + 1800 = 19800 19800 x 12 x 11 (multiplier) = 26,13,600 – 1/3 (8,71,200) = 17,42,400	13,20,000	17,42,400	enhanced



S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
2.	Loss of love and affection (Rs.20000 x 4)	80,000	80,000	confirmed
3.	Loss of consortium	20,000	40,000	enhanced
4.	Medical bills	35,000	35,000	confirmed
5.	Funeral expenses	25,000	15,000	reduced awarded
	Loss of estate		15,000	
	Total	14,80,000	19,27,400	enhanced

11. Accordingly, the compensation awarded by the tribunal at Rs.14,80,000/- is enhanced to Rs.19,27,400/-. 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 to 4 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 appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special District Judge, Salem.

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



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T.V.THAMILSELVI J.

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