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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

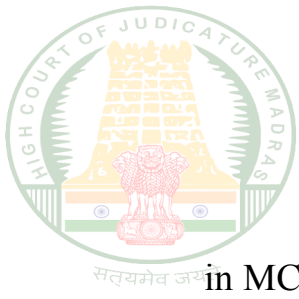
C.M.A.No.2282 of 2025

1. Vasantha
2. Sivakumar ... Appellants

Vs.

1.Sureshkumar
2. Reliance General Insurance Company Limited,
Old No. 398, New No.824/1,
3rd Floor, R.N.G. Tower,
Nandanam, Anna Salai, Chennai,
Having Branch Office at Sree Lakshmi Complex,
1st Floor, Omalur Main Road,
Bharati Street, Swarnapuri
Salem
3. Venkatesan
4. Reliance General Insurance Company Ltd.,
3rd Floor, Sakthi Super Market Building,
408, Perundurai Road, Erode District. ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 25.01.2023 made



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in MCOP No.676 of 2021 on the file of the Special District Judge, MCOP Tribunal at Salem and enhance the compensation.

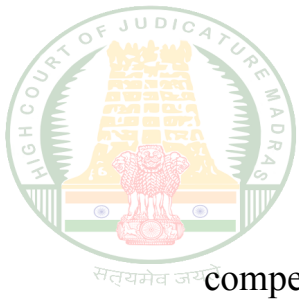
For Appellant : Mr.S. Ram Prasad
For Respondent-2 : Mr.P. Suresh Srinivasan

JUDGMENT

The appellant had filed this appeal to set aside the award dated 25.01.2023 made in MCOP No.676 of 2021 on the file of the Special District Judge, MCOP Tribunal at Salem and enhance the compensation.

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

On 22.03.2021 at about 8:25 a.m when the deceased Sundaram was proceeding in his two wheeler bearing Registration No.TN.90-F-0481 in Namakkal to Salem main road a lorry bearing Registration No. TN-88-C-5041 driven by its driver towards Namakkal in a rash and negligent manner and dashed against the two wheeler due to which the said Sundaram sustained grievous injuries all over the body and succumbed to the injuries. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking Tribunal seeking Rs.40,00,000/- as



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compensation against the first and second respondents who are the owner and insurer of the vehicle.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.11,45,000/- as compensation, directed the second respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation and recover the same from the owner of the vehicle

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 appellant submitted that the Tribunal erred in awarding Rs.10,000/- as monthly income of the deceased as he was earning Rs.20,000/- per month at the time of accident. He further submitted that the amount awarded under all other heads are also very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the



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respondents 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.10,40,000/- towards the loss of income; Rs.40,000/- towards loss of love and affection; Rs.40,000/- towards loss of consortium; Rs.25,000/- towards funeral expenses. Thus the total compensation was arrived at Rs.11,45,000/-

9. Considering the occupation of the deceased, his monthly income would be Rs.18,000/-. Considering the age of the deceased '13' is taken as multiplier, as per the dictum laid by the Hon'ble Apex Court, and considering the age of the deceased and 1/3 should be deducted for his personal expenses.

Calculation

Monthly Income = Rs.18,000/-

25% Future Prospects = $18,000 + 4,500 = 22,500/-$



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After 1/3 deduction = 22,500 – 7,500 = Rs.15,000/-

Loss of Pecuniary benefits

= Rs.15,000 x 12 x 13

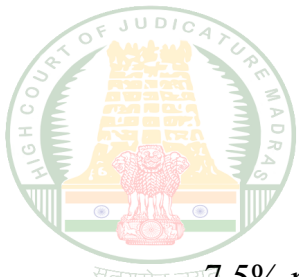
= Rs.23,40,000/-.

No amount was awarded under the head loss of estate, hence Rs.16,500/- is awarded towards the same. The amount awarded under the head Funeral expenses is modified to Rs.16,000/- The amount awarded under the other heads remains the same.

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 Income	Rs.10,40,000/-	Rs.23,40,000/-
2.	Loss of love and affection	Rs.40,000/-	Rs.40,000/-
3	Loss of consortium	Rs.40,000/-	Rs.40,000/-
4	Funeral Expenses	Rs.25,000/-	Rs.16,500/-
5	Loss of estate	-Nil-	Rs.16,500/-
	Total	Rs.11,45,000/-	Rs. 24,53,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.11,45,000/- to Rs. 24,53,000/-** which shall carry interest at the rate of



7.5% per annum.

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11. In the result:

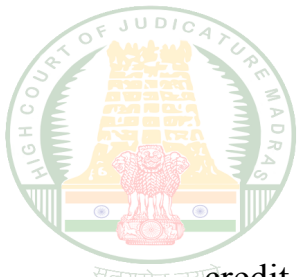
i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.11,45,000/- to Rs. 24,53,000/-**.

iii. The appellant/claimant is 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.

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 is directed to deposit the enhanced compensation amount, i.e., **Rs. 24,53,000/-**, (after deducting the amount already deposited), jointly 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



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credit of MCOP No.676 of 2021 on the file of the Special District Judge, MCOP Tribunal at Salem within a period of eight weeks from the date of receipt or uploading of a copy of this order and recover the same as per the order passed by the Tribunal

v. On such deposit being made, the appellants/claimants are at liberty to withdraw the same, after following due process of law.

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

25.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn

To

1. The Special District Judge, MCOP Tribunal at Salem

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2. Reliance General Insurance Company Limited,
Old No. 398, New No.824/1,
3rd Floor, R.N.G. Tower,
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Having Branch Office at Sree Lakshmi Complex,
1st Floor, Omalur Main Road,
Bharati Street, Swarnapuri
Salem

3. Reliance General Insurance Company Ltd.,
3rd Floor, Sakthi Super Market Building,
408, Perundurai Road, Erode District.

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

T.V.THAMILSELVI, J.

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