



C.M.A.No.3148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.No.3148 of 2025

1. E.Raman

2. Jamunarani

3. Jayanthi

4. Bhuvaneshwari

5. R.Umashankar

... Appellants

vs.

1. G.Manikandan

2.Shiram General Insurance Co. Ltd.,

nd
Moogambigai Complex, 2 Floor,
No.4, Lady Desika Road,
Mylapore, Chennai – 600 004.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award dated 05.03.2024 passed in MACTOP No.3686 of 2019 on the file of the Special Sub Court No.1, (Motor Accidents Claims Petitions), Small Causes Court, Chennai.



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For appellants	: M/s N.Lavanya
For Respondents	
For R1	: No appearance
For R2	: Mr.S.Dhakshinamoorthy

J U D G M E N T

Not being satisfied with the Award passed in M.A.C.T.O.P.No.3686 of 2019 dated 05.03.2024 on the file of Special Sub Court No.1, (Motor Accidents Claims Petitions), Small Causes Court, Chennai, the legal heirs of one Vasantha, have filed this Civil Miscellaneous Appeal for enhancement of compensation.

2. Despite the receipt of the notice, the first respondent neither appeared nor entered appearance through his Counsel.

3. Heard the arguments of the learned counsel for the appellant and learned counsel for the second respondent. Perused the relevant records.

4. Parties are indicated herein as per their litigative status and ranking before the Tribunal.



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5. The Claim Petition was filed under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.20,00,000/- for the death of one Vasantha, who succumbed to the injuries in a road traffic accident that took place on 05.05.2019.

6. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.12,60,000/- with interest at the rate of 7.5% per annum from the date of claim petition and the amounts granted under various heads are given hereunder:-

“Towards loss of dependency Rs.10,24,650/-, towards loss of consortium Rs.2,00,000/-, towards loss of estate Rs.15,000/-, towards funeral expenses Rs.15,000/- and towards transport charges Rs.5,000/-, totally a sum of Rs.12,59,650/- which was rounded off to Rs.12,60,000/-, is granted.”

7. The learned counsel for the appellants/claimants would strenuously contend that the deceased, aged about 29 years at the time of the accident, was a fruit vendor and was earning Rs.500/- per day. However, the Tribunal had fixed her notional income at only Rs.11,500/- per month, which is on the lower side, and sought for enhancement of the compensation.



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8. Per contra, the learned counsel for the second respondent/Insurance Company would vehemently argue that depending upon the age, avocation of the deceased and other attending circumstances, the Tribunal has awarded compensation under various heads are reasonable and therefore, according to him, the award does not warrant any interference by this Court.

9. It is the evidence of P.W.1 that the deceased his wife, was a fruit vendor earning Rs.500/- per day. The accident occurred on 05.05.2019. As per the post-mortem certificate (Ex.P2) and the copy of the deceased's Aadhar Card (Ex.P8), the age of the deceased is taken as 58 years. In the absence of documentary proof to establish her exact income, and keeping in view her age and avocation, the notional income of the deceased is fixed at Rs.14,000/- p.m.

10. In terms of the law laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (2) TN MAC 609 (SC)**, a standard addition towards future prospects is required to be added along with notional income while computing loss of dependency. For the person aged between 50 and 60 years, 10% of the income has to be added towards future prospects. As held in **Sarla Verma and others v.**



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Delhi Transport Corporation and another, 2009 (2) TN MAC 1 (SC), the

appropriate multiplier for the age of 58 is '9m'. Since the claimants are five in number, one-fourth is to be deducted towards personal and living expenses. Accordingly, for computing loss of future income, the following formula emerges:

$$\text{Rs.14,000} + 10\% - 1/4 \times 12 \times 9\text{m} = \text{Rs.12,47,400/-}.$$

11. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable, and it needs no interference by this Court. The compensation awarded as mentioned supra is reworked and tabulated as given hereunder:-

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	Towards Loss of Dependency	Rs.10,24,650/-	Rs.12,47,400/-	Enhanced
2	Towards Loss of Consortium	Rs. 2,00,000/-	Rs. 2,00,000/-	Confirmed
3	Towards Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	Towards Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed



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5	Towards Transport Charges	Rs. 5,000/-	Rs. 5,000/-	Confirmed
	Total	Rs.12,59,650/-	Rs.14,82,400/-	Enhanced
	Rounded off	Rs.12,60,000/-	Rs.14,82,500/-	Enhanced

12. Thus, the compensation awarded by the Tribunal is enhanced from Rs.12,60,000/- to Rs.14,82,500/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

13. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.12,60,000/- to Rs.14,82,500/-.

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.14,82,500/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of MACTOP No.3686 of 2019 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claims Petitions), Small Causes Court, Chennai, within a period of six weeks from the date of receipt of a copy of this Judgment.

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(iv) On such deposit being made, the claimants are permitted to withdraw the amount now determined by this Court, as apportioned by the Tribunal, along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected Civil Miscellaneous Petition, if any stands closed.

11.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
skn

To

1. The Special Sub Judge No.1,
Motor Accidents Claims Petitions,
Small Causes Court,
Motor Accident Claims Tribunal, Chennai.

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

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R.KALAIMATHI,J.,

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