



C.M.A No.1843 of 2025

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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.1843 of 2025

1.M.Vimala

2.G.Muthusamy

... Appellants

Vs.

1.N.Dhandapani

2.IFFCO-TOKIO General Insurance
Company Ltd.,
IFFCO BHAVAN
4th Floor, 128, Habibullah Road
T.Nagar, Chennai-600 017.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the judgment and decree dated 04.01.2025 made in M.C.O.P No.3482 of 2023 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge No.I/ Small Causes Court, Chennai.

For Appellants : Mr.Ramya V.Rao

For Respondents : Mr.N.Anbumurugan for R2



C.M.A No.1843 of 2025

WEB COPY

JUDGMENT

The appellants have filed this appeal against the Decree and Judgment dated 04.01.2025 passed in M.C.O.P.No.3482 of 2023, by the Motor Accident Claims Tribunal/ Special Sub Court No.I/ Small causes Court, Chennai.

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

On 27.09.2022 at about 9.30 hours, when the deceased was proceeding in his motorcycle bearing Registration No.TN-14-H-0315 at Vandalur to Kelambakkam Road, near Pudupakkam Bus stop, a goods vehicle Swaraj Mazda 3500 bearing Registration No.TN-07-K.-8575 came in a rash and negligent manner, endangering public safety and the driver of the van suddenly applied brakes, due to which the rider/deceased of the motorcycle dashed against the van, as a result of which the deceased sustained fatal injuries all over his body and died on the spot. Hence, the legal heirs of the deceased had filed a claim petition before the Tribunal seeking compensation for a sum of Rs.40,00,000/-.



C.M.A No.1843 of 2025

WEB COPY

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.19,71,400/- 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.

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 at the time of accident, the deceased was working as a photographer at Konica Silver Digital Studio & Lab, Kelambakkam and was earning Rs.20,000/- per month and to prove the same, Ex.P8 salary certificate has been filed before the Tribunal. But without considering the same, the Tribunal has fixed only Rs.13,000/- towards the notional monthly income of the deceased. Hence prays to enhance the compensation by allowing this petition.



C.M.A No.1843 of 2025

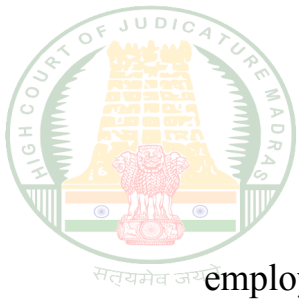
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6. On the other hand, the learned counsel appearing for the second respondent contended that the appellants have not produced any bank statement or employment identity card of the deceased before the Tribunal and hence, the Tribunal had rightly fixed the notional monthly income and 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 the learned counsel on either side 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.18,56,400/- towards loss of dependency; Rs.80,000/- towards loss of consortium; Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses and Rs.5,000/- towards transport charges.

9. On perusal of records would reveal that at the time of accident, the deceased was aged about 30 years; he was unmarried and was



C.M.A No.1843 of 2025

WEB COPY

employed as a photographer at Konica Silver Digital Studio & Lab, Kelambakkam and was earning Rs.20,000/- per month. Though the appellants have produced Ex.P8 salary certificate of the deceased before the Tribunal, no identity card was produced to prove that he was employed at Konica Silver Digital Studio & Lab. In the absence of material evidence, the Tribunal fixed a sum of Rs.13,000/- as monthly income of the deceased, who died in the accident that had occurred in the year 2022, which is meager. However, when the deceased was working as a photographer at Konica Lab, he would have earned Rs.20,000/- per month and also considering the rise in cost of living and other related factors, it would be appropriate to fix a sum of Rs.20,000/- towards monthly income of the deceased. Accordingly, the loss of income is modified as follows:

Calculation

Notional Monthly Income = Rs.20,000/-

40% Future Prospects = 20,000 + 8,000 = 28,000/-

Loss of dependency

= Rs.28,000 x 12 x 17 x 1/2

= Rs. 28,56,000/-



C.M.A No.1843 of 2025

The compensation awarded under the head of consortium is reasonable and does not require interference of this Court.

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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	18,56,400/-	28,56,000/-
2.	Loss of consortium	80,000/-	80,000/-
3.	Loss of Estate	15,000/-	16,500/-
4.	Funeral Expenses	15,000/-	16,500/-
5	Transport charges	5,000/-	10,000/-
	Total	Rs.19,71,400/-	Rs.29,79,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.19,71,400/- to Rs.29,79,000/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:



C.M.A No.1843 of 2025

WEB COPY

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.19,71,400/- to Rs.29,79,000/-**.

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/Insurance Company, is directed to deposit the enhanced compensation amount, i.e., **Rs.29,79,000/-**, (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.3482 of 2023 on the file of the Special Subordinate Judge No.I, Court of Small Causes / Motor Accident Claims Tribunal at 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 appellants/claimants are at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal, after following due process of law.

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



C.M.A No.1843 of 2025

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

WEB COPY

19.08.2025

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

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To

1. The Special Subordinate Judge No.I, Court of Small Causes / Motor Accident Claims Tribunal at Chennai.
2. IFFO-TOKIO General Insurance Company Ltd.,
IFFCO BHAVAN
4th Floor, 128, Habibullah Road
T.Nagar, Chennai-600 017.
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.



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C.M.A No.1843 of 2025

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C.M.A.No.1843 of 2025

19.08.2025