

WEB COPY

CMA No. 2121 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2121 of 2023

1. S.Shyamala

W/o.Sundaram, D.No.4/58,
Arunachalathaar Thottam,
Chinnakkapalayam, Thoppapatty,
Rasipuram Tk, Namakkal 637 406,
Namakkal Dist.

2.N.Sundaram

S/o.Natesan, D.No.4/58,
Arunachalathaar Thottam,
Chinnakkapalayam, Thoppapatty,
Rasipuram Tk, Namakkal 637 406,
Namakkal Dist.

Appellant(s)

Vs

1. K.Anandakumar

S/o.Kirinshnasamy, D.No. 7/284,
A.Ramalingapuram, Atchanthavilthan,
Srivillipurdur 626 125, Virudunagar
Dist.

2.The Manager



The New India Assurance Co.Ltd,
Rajapalayam Branch, D.No. 1419,
Thenkasi Road, Rajapalayam,
Virudhunagar 636 117, Virudhunagar
Dist.

Respondent(s)

CMA No. 2121 of 2023

PRAYER

To enhance the compensation in the Judgement and Decree Dated 01.09.2022 made in MCOP.No. 17 of 2021 on the file of MACT/Sub Court Rasipuram with Interest 9 percent and cost by allowing this appeal

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For Appellant(s): M.Lokesh

For Respondent(s): R2 - No Appearance R1 -
Exparte

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in the Judgement and Decree Dated 01.09.2022 made in MCOP.No. 17 of 2021 on the file of MACT/Sub Court Rasipuram with Interest 9 percent.

2. The brief facts of the case:

On 19.01.2021 at about 08.00 AM for his official purpose to go to Perambalur he was riding his Royal Enfield Thunder Bird two wheeler motor



cycle bearing Reg. TN28-BX-7007 on the Trichy to Chennai National Highway

NH-45 towards Trichy route, came at near Saram Village. At that time, one

Lorry bearing Reg.No.TN28-P-5004 was going before to the deceased's vehicle

and the driver of the Lorry drove it in a rash and negligent manner without any

signal, to park in the parking area, suddenly turned to go to left side, due to the

action of the driver of the 1st respondent's lorry vehicle, the deceased hit behind

the lorry and caused this accident. Due to the accident, the deceased had

multiple severe injuries. Immediately after the accident, he was taken by 108

ambulance service and admitted at G.H. Tindivanam for first aid and for further

treatment he was shifted to Ramachandra Hospital, Porur. But in the course of

his treatment, he died on 26.01.2021. Thereafter, filed the petition before the

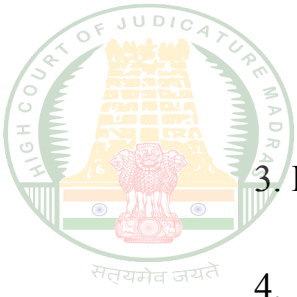
tribunal claiming compensation. The respondents contested the case by filing

counter. After considering the oral and documentary evidence, the tribunal

awarded compensation. Challenging the quantum of compensation the

claimants preferred this appeal. There is no representation on the side of the

respondents.



3. Heard the submission of the appellant/claimants.

4. The prime ground raised by the claimants is that deceased doing designing work in an different architecture company but the tribunal fixed only Rs.20,000/- as notional income of the deceased, hence seeks for enhancement of compensation and interest. On perusal of the records, by relying the judgement of this Court in the case of Managing Director, Tamil Nadu State Corporation Ltd Vs. Neela reported in 2019(2)TNMAC 153-(DB) the tribunal fixed Rs.20,000/- as notional income with 40% future prospects. This Court is of the view that tribunal has rightly fixed the notional income of the deceased and interest which needs no interference. Accordingly, this appeal is dismissed as no merits. No Costs. Pending petition(s), if any, is/are closed.

20-06-2025

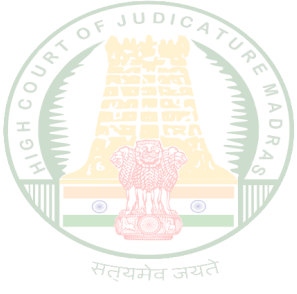
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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Thenkasi Road, Rajapalayam,
Virudhuinagar 636 117, Virudunagar
Dist.

3. The Section Officer, V.R Section,
High Court, Madras.

4. The MACT/Sub Court Rasipuram.



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T.V.THAMILSELVI J.
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