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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2158 of 2025

1. Rajendra Prasad
2. Bhagya Lakshmi

... Appellants

Vs.

1. R. Senthil Rajan

2. United India Insurance Company Limited,
No.134 , Greams roadm Silingi Building,
Chennai – 6.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgment and Decree, dated 08.06.2017, passed in M.C.O.P.No.1617 of 2015 on the file of the Chief Judge, Motor Accident Claims Tribunal Judge at Chennai and pass orders.

For Appellant : Mr.Amar Dineshbhai Pandiya
For Respondent-2 : Mr.D. Baskaran



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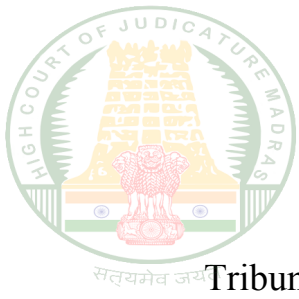
JUDGMENT

The appellant had filed this appeal to set aside the award dated 08.06.2017 made in M.C.O.P.No.1617 of 2015 on the file of the Chief Judge, Motor Accident Claims Tribunal Judge at Chennai and enhance the compensation and pass orders.

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

On 19.09.2014 when the deceased was carefully travelling as a pillion rider in a Motor Cycle bearing Registration No.TN-09-BV-2025 from Chennai to Salem Bypass road, a lorry bearing Registration No. TN-28-P-3207 came in the opposite direction and dashed against the vehicle in which the deceased was travelling. As a result of which the deceased sustained fatal injuries and succumbed to the injuries. The accident has occurred only due to the rash and negligent driving of the driver of the lorry. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking Tribunal seeking Rs.35,00,000/- as 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



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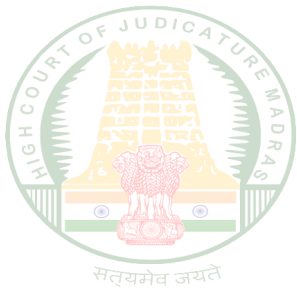
Tribunal partly allowed the claim petition and awarded a sum of Rs.12,50,000/- as compensation, directed the second respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

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.18,000/- 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 second respondent 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.



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8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.11,70,000/- towards the loss of pecuniary benefits; Rs.50,000/- towards loss of love and affection; Rs.5,000/- towards transport charges; Rs.25,000/- towards funeral expenses. Thus the total compensation was arrived at Rs.12,50,000/-

9. Considering the occupation of the deceased, his monthly income would be Rs.12,000/-. The Tribunal has taken '13' as a multiplier, but as per the dictum laid by the Hon'ble Apex Court, the correct multiplier is '18'. Considering the age of the deceased and 1/2 should be deducted for his personal expenses.

Calculation

Monthly Income = Rs.12,000/-

40% Future Prospects = 12,000 + 4,800 = 16,800/-

After 1/2 deduction = 16,800 – 8,400 = Rs.8,400/-

Loss of Pecuniary benefits

= Rs.8,400 x 12 x 18

= Rs.18,14,400/-.

With regard to Love and affection the same is enhanced to Rs.40,000/- to



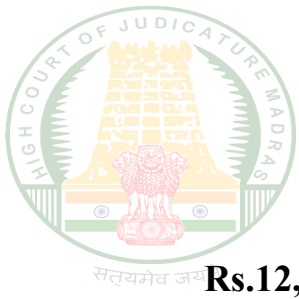
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each person and Rs.80,000/- is quantified the said head. No amount was awarded under the head loss of estate, hence Rs.15,000/- is awarded towards the same. The amount awarded under the head Funeral expenses is modified to Rs.15,000/- The amount awarded under the head Transport charges 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 Pecuniary benefits	Rs.11,70,000/-	Rs.18,14,400/- /-
2.	Loss of love and affection	Rs.50,000/-	Rs.80,000/-
3	Transport charges	Rs.5,000/-	Rs.5,000/-
4	Funeral Expenses	Rs.25,000/-	Rs.15,000/-
5	Loss of estate	-Nil-	Rs.15,000/-
	Total	Rs.12,50,000/-	Rs. 19,29,400/-

Thus, the compensation awarded by the Tribunal is enhanced from



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Rs.12,50,000/- to Rs. 19,29,400/-, which shall carry interest at the rate of 7.5% per annum.

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.12,50,000/- to Rs. 19,29,400/-**.

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 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.

iv. The second respondent is directed to deposit the enhanced compensation amount, i.e., **Rs. 19,29,400/-**, (after deducting the amount already deposited), jointly together with interest at the rate of 7.5% per



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annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.1617 of 2015 on the file of the Chief Judge, Motor Accident Claims Tribunal Judge 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, after following due process of law.

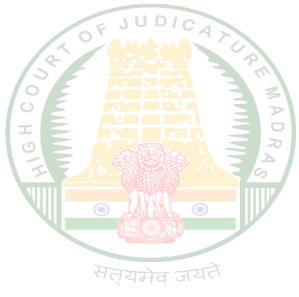
vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

07.08.2025

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

To

1. The Chief Judge, Motor Accident Claims Tribunal Judge at Chennai
2. The United India Insurance Company Limited,
No.134 , Greams roadm Silingi Building,
Chennai – 6.
3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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