



C.M.A.No.2853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.2853 of 2025

1. K.Kavitha

2. Murugeasan

3. Nagalakshmi

.. Appellants /Petitioners

Vs.

1. Kaviarasan

2. M/s.KRS Tea Company,
having office at D.No.47, SNR Street,
No.3, PN Palayam,
Coimbatore South Taluk,
Coimbatore District.

3. M/s.Bajaj Allianz General Insurance Co., Ltd.,
D.No.15, Kolaman Complex, 1st Floor,
Saradha College Main Road, Alagapuram,
Salem.

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation made in Judgment dated 01.12.2023 in M.C.O.P.No.1544 of 2022 on the file of the Special District Judge, MCOP Tribunal, Salem.

For Appellants : Mr.S.Ramprabu

For R3 : Mr.G.Vasudevan

JUDGMENT



C.M.A.No.2853 of 2025

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This Civil Miscellaneous Appeal has been preferred against the Award dated 01.12.2023 made in M.C.O.P.No.1544 of 2022 on the file of the Special District Court (to deal with the MCOP cases), Salem, by the claimants herein for enhancement of compensation.

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

3. The manner in which the accident occurred is not in dispute. Grievance of the appellants are two in number, i) the notional income fixed by the Tribunal is less and ii) amount awarded under the head - loss of consortium is inadequate.

4. The claimants are mother, father and sister of the deceased Naveen. As per the evidence of P.W.1, deceased who was aged about 21 years (Ex.P1 Aadhar Card) was working as labour contractor in Teemage Builder Private Limited and earning not less than Rs.50,000/- per month. To substantiate the same, no document is marked. Ex.P10 is a document which explicates that he was a construction worker. The Tribunal fixed the notional income inclusive of future prospects at Rs.10,000/-. Date of accident is 01.08.2022. In consideration of the above said details, his monthly income is fixed at

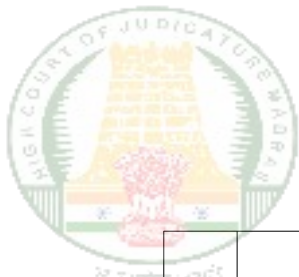


Rs.15,000/- per month. As per the law laid down by the Honb'le Supreme Court in *National Insurance Co. Ltd., vs. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), 40% has to be added as future prospects along with the monthly income in order to compute loss of dependency and the relevant multiplier to be adopted is 18m. For computing the loss of dependency, the following formula emerges:-

$$\begin{aligned}\text{Loss of dependency} &= [(\text{Rs.15,000/-} + 40\%) \times 1/2] \times 12 \times 18\text{m} \\ &= \text{Rs.22,68,000/-}\end{aligned}$$

5. The Tribunal has granted a sum of Rs.60,000/- for loss of love and affection for all three claimants. As per the law laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd., vs. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), for loss of consortium, each dependant is entitled to Rs.40,000/-. Therefore, Rs.60,000/- is granted for loss of consortium in addition to the amount already granted by the Tribunal.

6. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and it needs no interference by this Court. After rework, the amounts awarded under various heads are tabulated hereunder:-



Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of dependency	Rs.10,80,000/-	Rs.22,68,000/-	Enhanced
2	For Loss of Consortium	Rs.60,000/-	Rs.1,20,000/-	Enhanced
3	For Medical Expenses	Rs.10,000/-	Rs.10,000/-	Confirmed
4	For Funeral Expenses	Rs.25,000/-	Rs.25,000/-	Confirmed
	Total	Rs.11,75,000/-	Rs.24,23,000/-	Enhanced

7. Thus, the compensation awarded by the Tribunal is enhanced from Rs.11,75,000/- to Rs.24,23,000/- which would carry interest at the rate of 7.5% per annum (excluding the period of default if any) from the date of petition till the date of realisation.

8. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.11,75,000/- to Rs.24,23,000/-.

(iii) The Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e.Rs.24,23,000/- (less the amount, if any already deposited) together with interest at the rate of 7.5% per annum (excluding the period of default, if any) from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.1544 of 2022 on the file of Motor Accidents Claims Tribunal, Salem, within a period of eight weeks



C.M.A.No.2853 of 2025

from the date of receipt of a copy of this Judgment.

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(iv) Out of the enhanced award amount, the petitioners are at liberty to withdraw the same along with interest and costs as apportioned by the Tribunal, less the amount if any already withdrawn, by making necessary cheque application before the Tribunal.

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

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

(vii) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

17.10.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

Mac

R. KALAIMATHI, J.



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C.M.A.No.2853 of 2025

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Copy to

1. The Motor Accidents Claims Tribunal, Salem
2. The Section Officer,
VR Section,
High Court, Madras.

C.M.A.No.2853 of 2025

17.10.2025