



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1702 of 2025

1. Antony Dhasan
2. Sahaya Rani Soosai Micheal

Appellants

Vs

1. P.Muthu Kumar
- 2.The Manager
United India Insurance Co. Ltd., Silingi
Building No.134, Greams Road, IV
Floor, Chennai-600 006

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow appeal and to enhance the amount awarded in MCOP.No. 3560 of 2021 on the file of the Motor Accident Claims Tribunal, Chennai (II Judge, Court of Small Causes, Chennai) as prayed for with interest and cost.



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For Appellants: Mr. U.Chithambaram

For Respondents: Mr.C.Paranthaman
Notice Sent To R1 - Service
Awaited

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.3560 of 2021, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The petitioners are father and mother of deceased Austin. The case of the petitioners is that on 10.07.2021 at about 19.30 hours, when the deceased as a rider of two wheeler while riding Bajaj Dominor-400 bearing Regn. No. “for registration” two wheeler from Kanniyakumari roundana to Kovalam road on the east to west direction near Kanniyakumari EB office, at the time the rider of two wheeler bearing Regn. No. TN-72 BH-4439 driven the two wheeler in a rash and negligent manner, dashed on deceased two wheeler and caused accident. Due to which, the deceased sustained grievous injuries and died on the spot. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.49,00,000/-.

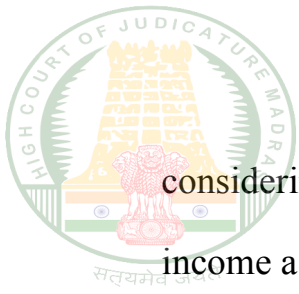


3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.25,24,700/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	24,19,200
2.	Loss of filial consortium	88,000
3.	Funeral expenses	16,500
4.	Loss of estate	1,000
	Total compensation awarded (by adding Sl. Nos. 1 to 4)	25,24,700

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellants would argue that the deceased was aged about 22 years and he was working as a Manager in a private transport company, thereby he earned a sum of Rs.30,000/- per month. To that effect, the document also produced, but without considering the same as well as without



considering the cost of living at that time, the tribunal had fixed the notional income as Rs.16,000/-. Hence, they prayed for enhancement of compensation.

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6. The learned counsel for 2nd respondent raised objections stating that there is no salary slip produced nor examined employer of deceased. Hence, the Tribunal had rightly fixed the notional income as Rs.16,000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2021 and he was working as a Manager in M/s. Sethu Cab Transport, thereby he would have earned per day a sum of Rs.600/- and earned a sum of Rs.18,000/- per month. Therefore, considering his age of 22 years, considering his income and also considering cost of living at that time and the accident happened in the year 2021, this Court is inclined to enhance the notional income of the deceased Austin from Rs.16,000/- to Rs.18,000/-. Furthermore, the Tribunal has granted only a sum of Rs.1,000/- under the head of 'Loss of estate, which is very meagre one. Hence, this court is inclined to enhance the sum awarded under the said head from Rs.1,000/- to Rs.16,500/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.



9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.18,000/- (add 40% future prospects) = 18000 + 7200 = 25200 25200 x 12 x 18 (multiplier) = 54,43,200 – 1/2 = 27,21,600	24,19,200	27,21,600	enhanced
2.	Loss of filial consortium for appellants 1 and 2	88,000	88,000	confirmed
3.	Funeral expenses	16,500	16,500	confirmed
4.	Loss of estate	1,000	16,500	enhanced
	Total	25,24,700	28,42,600	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.25,24,700/- is enhanced to Rs.28,42,600/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 2 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the enhanced award amount along with interest and



costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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