



C.M.A.No.3035 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31.10.2025**

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3035 of 2025

1. Chitra

2. Minor Sanjay

3. Minor Thaman Sri,

Minors represented by their mother and natural guardian Chitra

4. Ramathal

.. Appellants/Petitioners

Vs.

1. Saleem

2. Ajumdin

3. Perumal

4. M/s. United India Insurance Company Limited,
No.178, Dr.Nanjappa Road,
Park Gate,
Coimbatore – 641 018

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the Award amount in M.C.O.P.No.444 of 2018 dated 05.09.2023 on the file of Motor Accident Claims Tribunal / IV Additional District Court at Coimbatore.

For Appellants

: Mr.K.Myilsamy

For R1 to R3

: Notice is dispensed with

For R4

: Mr.R.Rajesh



JUDGMENT

Legal heirs of the deceased Karuppasamy have preferred this Civil Miscellaneous Appeal against the Award dated 05.09.2023 passed in MCOP.No.444 of 2018 on the file of the Motor Accident Claims Tribunal / IV-Additional District Court, Coimbatore, for enhancement of compensation.

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

3. Case of the claimants is that while the deceased Karuppasamy S/o. Perumal was riding his motorcycle bearing Registration No.TN 40 H 9148 on 04.10.2017 at about 4.50 p.m along Mettupalayam to Coimbatore road from north to south direction near Kottaipirivu, a Lorry bearing Registration No.TN 40 B 7320 driven by the 1st respondent Saleem, came in a rash and negligent manner and dashed against the two-wheeler. Due to the said impact, he succumbed to the injuries on the same day. A case was registered in Crime No.415 of 2017 by the Periyanaickenpalayam Police Station against the 1st respondent under Sections 279, 304 (A) of IPC. The 1st defendant- driver, 2nd defendant- owner of the offending vehicle and the 4th respondent, who is the insurer of the said vehicle are jointly and severally liable to pay compensation to the claimants.



4. On behalf of the 4th respondent, it was contended that the 1st respondent did not possess valid driving license at the relevant point of time and there is a violation of policy and the deceased invited the accident.

5. At trial, on the claimant's side, two witnesses were examined and twelve documents were marked. On the side of the respondents, Assistant Manager of the 4th respondent- Insurance Company was examined as R.W.1 and six documents were marked.

6. The Tribunal upon consideration of the oral and documents and after hearing the arguments advanced by either side, granted compensation of Rs.14,00,375/- under various heads is tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal (in Rs.)
1	For Loss of Dependency	Rs.14,17,500/-
2	For Funeral Expenses	Rs.15,000/-
3	For Loss of Estate	Rs.15,000/-
4	For Loss of Consortium	Rs.2,00,000/-
	Total	Rs.16,47,500/-
	Less 15% for driving the vehicle without driving license	Rs.2,47,125/-
		Rs.14,00,375/-

7. The learned counsel for the appellants / claimants would strenuously argue that the Tribunal fixed the notional income of the deceased as



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Rs.7,500/- in respect of the 38 year old machine cleaner is less.

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8. The learned counsel for the 4th respondent / Insurance Company would argue that the amounts awarded by the Tribunal as mentioned supra is reasonable and acceptable. Hence, it does not warrant interference by this Court and sought for dismissal of the case.

9. It is the evidence of P.W.1 that the deceased was 38 years old at the relevant point of time, was working as machine cleaner in Sri Saradhambika Spintex Private Limited and earning Rs.30,000/- per month. With regard to the avocation of the deceased, brother of the deceased Selvaraj was examined as P.W.2. It is his evidence that both his deceased brother and himself were working in Sri Saradhambika Spintex Private Limited as contract labour. It is his further evidence that in order to clean the machines, his deceased brother had taken contract and along with three coolies, he used to clean the machines and salary for all the four persons would be credited in the account of his brother. Statement of account of the deceased Karuppasamy is Ex.P7. On a perusal of the said statement of account, twice in a month amounts have been credited to the account of the deceased by Sri Saradhambika Spintex Private Limited. P.W.2 would state that this amount would be divided between all the coolies, for which there is no evidence.



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10. Date of accident is 04.10.2017. In consideration of the above said details, income of the deceased is fixed as Rs.14,000/-.

11. As per Ex.P4 - Post-mortem certificate, age of the deceased is fixed as 38 years. As per the law laid down by the Hon'ble Supreme Court in *Sarla Verma and others Vs. Delhi Transport Corporation and others reported in 2009 (2) TN MAC 1 (SC)*, the relevant multiplier to be adopted is '15' m. As per the legal heir certificate (Ex.P6), claimants are wife, minor children and mother of the deceased, who are four in number. As held in *Sarla Verma's* case, for deduction of personal and living expenses, if the deceased married had left four dependant family members, then 1/4 has to be deducted. As held in *National Insurance Company Limited Vs. Pranay Sethi and others reported in 2017 (16) SCC 680*, the Hon'ble Supreme Court has standardized the details of future prospect if the persons are self employed or on fixed salary. For the age group of persons below 40 years, 40% has to be added as future prospectus while computing the loss of dependency. On consideration of the above said details, for computing the loss of dependency, the following formula emerges:-

$$\begin{aligned}\text{For Loss of Dependency} &= \text{Rs.14,000/-} + 40\% - 1/4 \times 12 \times 15 \\ &= \text{Rs.26,46,000/-}\end{aligned}$$

12. For loss of consortium, as the claimants are four in number, a sum



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of Rs.1,60,000/- is granted. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it does not warrant interference by this Court. The amounts awarded by this Court as mentioned supra after rework is tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	14,17,500/-	26,46,000/-	Enhanced
2	For Funeral Expenses	15,000/-	15,000/-	Confirmed
3	For Loss Estate	15,000/-	15,000/-	Confirmed
4	For Loss of Consortium (4 persons)	2,00,000/-	1,60,000/-	Reduced
	Total	16,47,500/-	28,36,000/-	
	For Contributory Negligence 15% to be deducted	(Less 15%) 16,47,500/- - 2,47,125/- =14,00,375/-	(Less 15%) 28,36,000/- - 4,25,400/- =24,10,600/- Rounded off to Rs.24,11,000/-	Enhanced

13. Thus, the compensation awarded by the Tribunal is enhanced from Rs.14,00,375/- to Rs.24,11,000/- 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.

14. In the result,

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



(ii) The compensation awarded by the Tribunal is enhanced from Rs.14,00,375/- to Rs.24,11,000/-.

(iii) The 4th respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.24,11,000/- (less the amount already deposited if any) 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.444 of 2018 on the file of Motor Accident Claims Tribunal, Coimbatore within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) The Insurance Company shall pay the compensation to the claimants at the first instance and thereafter, to recover the same from the 2nd respondent- owner of the vehicle.

(v) Out of the total compensation awarded by this Court, the 1st petitioner is entitled to Rs.8,61,000/-, petitioners no.2 and 3 / minors are entitled to Rs.7,00,000/- each and the 4th petitioner is entitled to Rs.1,50,000/-.

(vi) On such deposit being made, the petitioners no.1 and 4 / 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.

(vii) The share of the petitioners no.2 and 3 / minors shall be deposited



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in any one of the nationalized bank till the minors attains majority and the 1st appellant, mother of the minors Chitra is permitted to withdraw quarterly interest from the said amount.

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

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

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

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Copy to

1. The Motor Accident Claims Tribunal / IV-Additional District Court,
Coimbatore.
2. The Section Officer,
VR Section,
High Court, Madras.



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R. KALAIMATHI, J.

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