



CMA No. 827 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 827 of 2025

1. Anjalai

W/o. Palanivel, Chinnavalayam Village,
Udaiyarpalayam Taluk, Ariyalur Dt.

2. Kalaiselvi

D/o. Palanivel, Chinnavalayam Village,
Udaiyarpalayam Taluk, Ariyalur Dt.

3. Saravanan

S/o. Palanivel, Chinnavalayam Village,
Udaiyarpalayam Taluk, Ariyalur Dt.

4. Rajamani

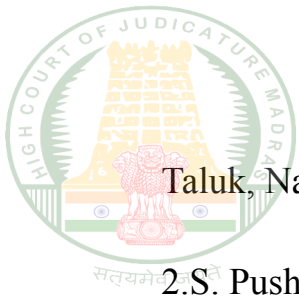
W/o. Chinnapillai, Chinnavalayam
Village, Udaiyarpalayam Taluk,
Ariyalur Dt.

Appellant(s)

Vs

1. Baskar

S/o. Kaliyaperumal, No.186/2,
Thendral Nagar, Samiyam,
Anaikaranchathiram Post, Seerkazhi



Taluk, Nagapattinam Dt.

2.S. Pushpa

No.37/93, Maduraisamy Madham St,
Chennai 11.

3.The United India Insurance Co.Ltd.,
1st Floor, Susmitha, Complex New Bus
Stand Oppostie, Seerkazhi Tk,
Nagapattinam Dt.

Respondent(s)

CMA No. 827 of 2025

PRAYER

To enhance the compensation amount made in Judgement and decree dated 11.02.2021 made in MCOP No.114 of 2019 on the file of the MCOP Tribunal, Additional District Sessions Court at Ariyalur by allowing this CMA.

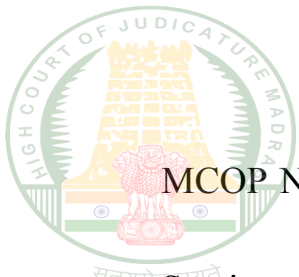
CMA No. 827 of 2025

For Appellant(s): M/s.Sp.Yuaraj

For Respondent(s): M/s.J.Chandran For R3 R1 and
R2 - Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation amount made in Judgement and decree dated 11.02.2021 made in



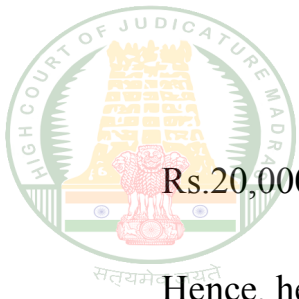
MCOP No.114 of 2019 on the file of the MCOP Tribunal, Additional District Sessions Court at Ariyalur.

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2. The brief facts of the case:

On 06.06.2017, at about 9.00 p.m, the deceased Palanivel travelled as a pillion rider in the two wheeler bearing registration No. TN 31 K 6131, along with Murugan, who drove the vehicle from Chidambaram to Jayankondam maid Road, East to West, near Ponneri, at that time, at the first respondent drove the Toyota Qualis Car bearing registration No. TN 02 R 0810 in a rash and negligen manner, colliding with the two wheeler. The deceased was thrown off and sustained multiple greivous injuries, succumbing to death. Thereafter, the appellants herein filed MCOP NO. 114 of 2019 before the MCOP Tribunal, Additional District Sessions Court at Ariyalur(in short "tribunal") claiming compensation of Rs.30,00,000/-. After considering the oral and documentary evidence, the tribunal awarded compensation of Rs.12,51,208/-. Challenging the quantum of compensation, claimants preferred this appeal.

3. The learned counsel for the appellants submit that the accident was happened in the year 2017 and the deceased was working as mason and earned



Rs.20,000/- per month. However, the tribunal fixed Rs.7,500/- as income.

Hence, he prays to enhance the compensation.

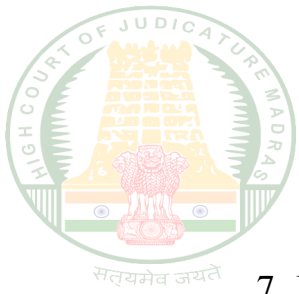
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4. The learned counsel for the third respondent/Insurance Company submits that the petitioner the tribunal rightly fixed compensation which needs no interference. Hence, he prays to dismiss this petition.

5. Considering the fact that the accident was happened in the year 2017 and hence this Court fix a sum of Rs.15,000/- per month as income of the deceased. Accordingly, loss of income is Rs.23,31,100/-. Further, the deceased died leaving behind minor children hence loss of consortium is enhanced to Rs.1,60,000/-. The tribunal has justified in fixing compensation in other heads and interest which needs no interference.

6. Accordingly, award passed by the tribunal is modified as follows

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income	Rs.11,81,208/-	Rs.23,31,100/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.40,000/-	Rs.1,60,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
	Total	Rs.12,51,208	Rs.25,21,100/-



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7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.25,21,100/-. The 3rd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP NO. 114 of 2019 before the MCOP Tribunal, Additional District Sessions Court, Ariyalur within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

8. With the above direction, the Civil Miscellaneous Appeal is partly allowed.

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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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T.V.THAMILSELVI J.
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