



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-06-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA NO. 828 OF 2025**

1. Amirthavalli

W/o. Murugan, Res. at Main Road,  
Chinnavalaiyan Village,  
Udaiyarpalayam Taluk, Ariyalur  
District.

2.Minor Keerthan

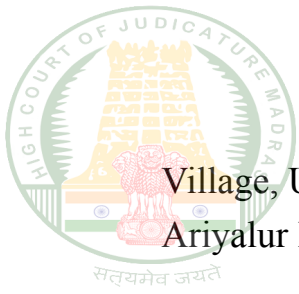
D/o. Murugan, Minors rep. by next  
friend Guardian Mother Amirthavalli,  
Res. at Main Road, Chinnavalaiyan  
Village, Udaiyarpalayam Taluk,  
Ariyalur District.

3.Minor Preethi

D/o. Murugan, Minors rep. by next  
friend Guardian Mother Amirthavalli,  
Res. at Main Road, Chinnavalaiyan  
Village, Udaiyarpalayam Taluk,  
Ariyalur District.

4.Minor Tamilselvan

S/o. Murugan, Minors rep. by next  
friend Guardian Mother Amirthavalli,  
Res. at Main Road, Chinnavalaiyan



Village, Udaiyarpalayam Taluk,  
Ariyalur District.

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W/o.Alagappan, Res. at Main Road,  
Chinnavalaiyam Village,  
Udaiyarpalayam Taluk, Ariyalur  
District.

Appellant(s)

Vs

1. BASKAR

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

2.S. Pushpa

No.37/93, Maduraisamy Madham  
Street, Chennai - 011.

3.The United India Insurance Company  
Ltd

1st Floor, Susmitha, Complex New Bus  
stand opposite, Seerkazhi Taluk,  
Nagapattinam District.

Respondent(s)

**CMA No. 828 of 2025**

**PRAYER**

To enhance the compensation amount made in Judgement and decree dated  
11.02.2021 made in MCOP No.116 of 2019 on the file of the MCOP Tribunal,  
Additional District Sessions Court at Ariyalur by allowing this CMA.

**CMA No. 828 of 2025**



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CMA No. 828 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.116 of 2019 on the file of the MCOP Tribunal, Additional District Sessions Court at Ariyalur.

On 06.06.2017, at about 9.00 p.m, the deceased Murugan travelled as a pillion rider in the two wheeler bearing registration No. TN 31 K 6131, along with Palanivel, 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 grevius 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

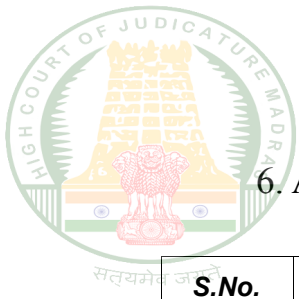


compensation of Rs.30,00,000/-. After considering the oral and documentary evidence, the tribunal awarded compensation of Rs.12,51,208/-. Challenging the quantum of compensation, claimants preferred this appeal.

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.

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.

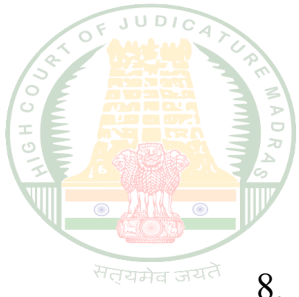
5. Considering the fact that the accident was happened in the year 2017 and hence this Court fix a sum of Rs.18,000/- per month as income of the deceased. Accordingly, loss of income is **36,28,800/-**. Further, the deceased died leaving behind minor children hence loss of consortium is enhanced to Rs.80,000/-. 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

| <b>S.No.</b> | <b>Heads</b>       | <b>Compensation<br/>awarded by the<br/>tribunal.</b> | <b>Compensation<br/>awarded by this Court</b> |
|--------------|--------------------|------------------------------------------------------|-----------------------------------------------|
| 1.           | Loss of income     | Rs.15,12,000/-                                       | Rs.36,28,800/-                                |
| 2.           | Loss of estate     | Rs.15,000/-                                          | Rs.15,000/-                                   |
| 3.           | Loss of consortium | Rs.40,000/-                                          | Rs.80,000/-                                   |
| 4.           | Funeral expenses   | Rs.15,000/-                                          | Rs.15,000/-                                   |
|              | Total              | Rs.15,82,000/-                                       | Rs.37,38,800/-                                |

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.37,38,800/-. Thus, minor petitioners 2, 3 & 4 are entitled to Rs.7,00,000/- each (Rs.21,00,000/-) and the first petitioner is entitled to Rs.11,00,000/- and 5<sup>th</sup> petitioner is entitled to Rs.5,38,800/- The 3<sup>rd</sup> 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. 116 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.



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

**05-06-2025**

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

4. The MCOP Tribunal, Additional District Sessions Court, Ariyalur.



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**T.V.THAMILSELVI J.**  
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