



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 21-08-2025**

CORAM

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

**CMA No. 1630 of 2025**

1. V.Kanagam

Wife of V.Venkatachalam, residing at  
No.7/362, Manivizhunthan Colony,  
Manivizhunthan, Attur Taluk -Pin-636  
121, Salem District.

2. V.Venkatachalam,

Son of Varatharajan, residing at  
No.7/362, Manivizhunthan Colony,  
Manivizhunthan, Attur Taluk -Pin-636  
121, Salem District.

Appellant(s)

Vs

1. P.Ramesh

Son of Periasamy, D.No.246,  
Perumapalayam, A.Karadipatti,  
Pethanaickenpalayam, Vazhappadi  
Taluk, Salem District.Pin -636 115.

2.The Manager,

The New India Assurance Company  
Ltd., D.No.1019A, First Floor, Vetri



Towers, Salem Main Road, Attur, Attur  
Taluk, Salem District -Pin 636 102.

(The 1st respondent remained ex-parte  
before the Tribunal. Hence may be  
dispensed with for R-1 in this Appeal)

Respondent(s)

**CMA No. 1630 of 2025**

**PRAYER**

To enhance the compensation in the award dated 24.01.2025 made in MCOP.No.181 of 2020, on the file of MACT/Sub Court at Rasipuram with Interest 9 percentage and Cost by allowing this Appeal and thus render justice.

**CMA No. 1630 of 2025**

For Appellant(s): Mr.M.Lokesh

For Respondent(s): Mr. R. Neethi Perumal For R2  
R1 - No Appearance

**JUDGEMENT**

This Civil Miscellaneous Appeal has been filed to enhance the compensation in the award dated 24.01.2025 made in MCOP.No.181 of 2020, on the file of MACT/Sub Court at Rasipuram with Interest 9 percentage.

2. On October 30 2020, at around 02.15 p.m, the deceased Dharaniswaran was riding a Hero Honda Splendor Pro Motorcycle with registration No. TN 77 E 6157 on the Rasipuram to Attur main road from West to East direction at that time Ashok Leyland lorry bearing registration No. TN 52 H 2887 coming from



the opposite direction in a rash and negligent manner rammed into the deceased two wheeler due to which the deceased sustained head injuries died on the spot.

Thereafter the claimants filed the petition before the tribunal claiming compensation and the second respondent contested the case by filing counter.

After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the claimants filed this appeal.

3. The learned counsel for the appellants/claimants submit that at the time of the accident the deceased was studying III year B.E but without considering his educational qualification the tribunal awarded Rs. 15,000/- as notional income which is very meagre. By relying the ratio laid down in 2025 (2) TNMAC (SC) in the case of S. Mohammed Hakkim Vs. National Insurance Company Ltd others, he prays to enhance the notional income from Rs.15,000/- to Rs.20,000/-.

4. The learned counsel for the second respondent submits that the deceased was student and there is no income proof was produced before the tribunal. Hence, the Tribunal has rightly fixed Rs.15,000/- as notional income of



the deceased.

5. Considering the education qualification of the deceased and also ratio laid down by the Hon'ble Apex Court in the case of S. Mohammed Hakkim Vs. National Insurance Company Ltd others reported in 2025 (2) TNMAC (SC), this Court is inclined to fix Rs.20,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs. 30,24,000/-( 20,000+8000x12x18-1/2) under the head of loss of dependency. Except above modification, the award passed by the tribunal in other heads remain unchanged.

| <b>S.No.</b> | <b>Heads</b>              | <b>Compensation awarded by the tribunal.</b> | <b>Compensation awarded by this Court</b> |
|--------------|---------------------------|----------------------------------------------|-------------------------------------------|
| 1.           | Loss of income/dependence | Rs.22,68,000/-                               | Rs.30,24,000/-                            |
| 2.           | Loss of estate            | Rs.16,500/-                                  | Rs.16,500/-                               |
| 3.           | Loss of consortium        | Rs.88,000/-                                  | Rs.88,000/-                               |
| 4.           | Funeral expenses          | Rs.16500/-                                   | Rs.16,500/-                               |
| 5.           | Transportation charges    | Rs.5,500/-                                   | Rs.5,500/-                                |
|              | Total                     | Rs.23,94,500/-                               | Rs.31,50,500/-                            |

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.31,50,500/-. The respondents 1 & 2 are 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.181 of 2020, on the file of MACT/Sub Court at Rasipuram, within a period eight weeks from the date of receipt of a copy of this judgement. Both appellants shall share the compensation equally. On such deposit, the claimants/appellants are permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

**21-08-2025**

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The file of MACT/Sub Court, Rasipuram.
2. The Section officer, V. R Section, High Court, Madras.



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**T.V.THAMILSELVI J.**

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