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CMA No. 3220 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

CMA No. 3220 of 2021

1. K. Palanivel @ Palanivelu
2. P. Umamaheswari

.. Appellant(s)

Vs

1. V. Murugan
2. United India Insurance Company Ltd.,
Third Party Service Hub,
Plot No.35, 36, 37
AR Plaza, 45 feet Road,
Balaji Nagar Extn, Saram,
Puducherry 605 011

... Respondent(s)

PRAYER:

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act praying to allow the above Civil Miscellaneous Appeal and enhance the Award amount in the Order dated 23.01.2021 made in MCOP.NO. 278/2019, on the file of the Motor Accident Claims Tribunal/II Additional District Judge, Pondicherry.

For Appellants : Ms. Ramya V. Rao

For Respondent No.1: No appearance

For Respondent No.1: Mr. J. Michael Visuvasam

JUDGMENT

The legal representatives of the deceased Nandini Devi, have preferred this Civil Miscellaneous Appeal against the Award dated 23.01.2021 passed in MCOP.No.278 of 2019 on the file of the Motor Accident Claims Tribunal/II,



Addl. District Court, Pondicherry for enhancement of compensation;

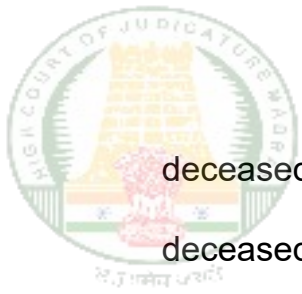
WEB COPY 2. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The claimants herein filed a claim application under section 166 of the Motor Vehicles Act 1988, claiming compensation of Rs.3 crores for the death of their daughter Nandini Devi in a road traffic accident that occurred on 10.08.2018.

4. The Tribunal upon consideration of the case records and after hearing the arguments advanced by either side, granted compensation of Rs.45,38,000/- with interest at the rate of 7.5% from the date of filing of claim petition. The amounts awarded under various heads are given hereunder;

S.No.	Heads	Compensation awarded by Tribunal
1.	For Loss of dependency	Rs.44,16,300/-
2.	For Loss of Estate	Rs. 16,500/-
3.	For Loss of parental consortium	Rs. 88,000/-
4.	For Funeral expenses	Rs. 16,500/-
	Total	Rs. 45,38,000/-

5. Learned counsel for the appellants would argue that the deceased was a Dentist and to prove the said particulars, her provisional certificate Ex.P.6 and Pay Certificate Ex.P-9 were marked. The Employer of the



deceased was examined as PW3, in order to prove the income of the deceased. However the Tribunal fixed the notional income of the deceased as Rs.30,000/- which according to the claimant is less.

6. Contending contra, the learned counsel for the 2nd respondent/Insurance Company would argue that considering the credibility of Ex.P.9, the Tribunal fixed the notional income of the deceased as Rs.30,000/- which is reasonable and the same may be confirmed.

7. It has come on record through the evidence of PW1 that the deceased was aged about 23 years. The deceased was a Dentist by profession and she completed her Graduation in Bachelor of Dental Surgery. Ex.P.6 is the provisional certificate of the deceased. Ex.P.7 is the Internship Completion Certificate of the deceased. As per Ex.P.8, the deceased, after completion of internship, had registered herself under the State Dental Council (Registration Certificate). Ex.P.21 and Ex.P.26 are the original certificates of merits of the deceased with regard to her extra curricular activities. PW1 would further state that she was working as a Dentist in the Dentsmile Clinic and was earning a sum of Rs.40,000/- per month and she was also working at Cluny Hospital, Pondicherry and was earning an additional sum of Rs.30,000/- per month. In order to prove the fact that she was working as Dentist in Dentsmile Clinic, the Doctor who is running the said Clinic has been examined as PW3. It is his evidence that the deceased was working under them and she was earning a sum of Rs.40,000/- per month.



Through him, pay certificate Ex.P.9 was marked.

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8. The learned counsel for the 2nd respondent/Insurance Company would vehemently contend that the Bank particulars of the deceased and the income tax report of PW3 are not marked.

9. It cannot be denied that medical practice in dentistry is also a rewarding profession. Had she been alive, she would have reached greater heights in her profession. The deceased had admittedly completed her graduation in Dental Surgery in the year 2016. Ex.X1 is the copy of the licence granted to PW3 Doctor. The Attendance Register of PW3's Clinic was not marked.

10. Considering the educational profile of the deceased, the income of the deceased is fixed at Rs.34,000/- per month. As per the law laid down by the Honourable Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and others reported in 2017 2 TNMAC 609 SC***, the Honourable Supreme Court has standardised the details of future prospectus. Accordingly, for the persons who are not in permanent job, and for the age group of persons below 40 years, 40% has to be added along with the income for computing loss of dependency.

11. As held in ***Sarla Verma Vs. Delhi Transport Corporation and another***, the relevant multiplier to be selected is '18m' and in respect of deduction towards personal and living expenses, as the deceased died as a



spinster, 50% has to be deducted towards personal expenses of the deceased. For computing loss of income, the following formula emerges:

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$$[\text{Rs.}3,40,00 + 40\% - \frac{1}{2}] \times 12 \times 18 = \text{Rs.}51,40,800/-$$

12. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence, it does not warrant any interference by this Court. The amounts as mentioned supra, after re-work is tabulated below:

S. No.	Heads	Compensation awarded by Tribunal (Rs.)	Compensation awarded by the High Court (Rs)	
1.	For Loss of dependency	44,16,300	51,40,800	enhanced
2.	For Loss of Estate	16,500	16,500	confirmed
3.	For Loss of consortium	88,000	88,000	confirmed
4.	For Funeral expenses	16,500	16,500	confirmed
	Total	45,38,000	52,61,800	enhanced

13. Thus, this Court awards Rs.52,61,800/- towards compensation along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation. Out of the compensation awarded by this Court of Rs.45,38,000/-, the claimants are entitled to their share as per the apportionment made by the Tribunal.



14. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced from Rs.45,38,000/- to Rs.52,61,800/-.
- The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation of Rs.52,61,800/- awarded by this Court to the credit of MCOP.No.278 of 2019 on the file of Motor Accidents Claims Tribunal/II Addl. District Judge, Pondicherry along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited within a period of eight weeks from the date of receipt of a copy of this judgment.
- On such deposit, the appellants/claimants are at liberty to withdraw the amount now determined by this Court, as per the apportionment made by the Tribunal along with interest and costs, after adjusting the amount, if any already withdrawn, by filing application before the Tribunal.
- The claimants are directed to pay the court fee for the enhanced compensation amount, if required. The Tribunal shall disburse the enhanced amount upon production of the certified copy showing proof of payment of court fee by the claimants/appellants.

msr
Index:Yes/No
Internet:Yes

20.11.2025

To

The Motor Accident Claims Tribunal/II
Additional District Judge, Pondicherry.



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R.KALAIMATHI J.

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