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C.M.A.No.2559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.09.2025**

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THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.2559 of 2025

1. Pavithra

2. Minor Kavina

3. Minor Ridhania

(Minors are represented by their natural guardian mother the 1st petitioner Pavithra)

4. Arputham

.. Appellants /Petitioners

Vs.

1. N.Lakshmanan

2. The Divisional Manager,

United India Insurance Co. Ltd.,

Third Party Claims Cell No.147/58C,

Kamarajar Salai, Kanchipuram Town,

Kanchipuram District.

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and to enhance the amount awarded in M.C.O.P.No.144 of 2017 dated 29.04.2019 on the file of Motor Accident Claims Tribunal (District Court No.II), Kanchipuram.

For Appellants : Mr.K.Varadhakamaraj

For R1 : Not ready in notice

For R2 : Mr.J.Chandran



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JUDGMENT

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This Civil Miscellaneous Appeal has been preferred against the judgment dated 29.04.2019 passed in M.C.O.P.No.144 of 2017, Motor Accident Claims Tribunal / District Court No.II, Kanchipuram, for enhancement of compensation.

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

3. According to the claimants, on 29.10.2016, while the deceased Prathab was proceeding in his motor cycle bearing registration no.TN 29 AQ 6004 from Keezhkathiropur to Kancheepuram and when he was nearing Thirupparuthikundram Maranatha Koil, a two wheeler (Super XL motor cycle) bearing registration no.TN 21 BB 2484 came in a rash and negligent manner from the opposite direction and hit upon the above said motor vehicle and caused the accident. Due to the accident, the deceased Prathab sustained fatal injuries and succumbed to the same. The accident occurred due to the rash and negligent driving of the rider of the above said Super XL motor cycle. Against the rider of the erred vehicle, a criminal case has been registered in Crime No.941 of 2016 by the Kanchi Taluk, Police Station. The 1st respondent as the owner and the 2nd respondent, as the insurer of the above said Super



XL motor cycle, are vicariously and statutorily liable to pay compensation to the petitioners.

4. The first point put fourth by the learned counsel for the appellants is that notional income fixed for the deceased is too meagre. Under the heads of loss of consortium, the amount granted by the Tribunal, is not sufficient.

5. As per the evidence of P.W.1, the deceased was aged about 27 years. At the relevant point of time, he was working as tailor and was earning a sum of Rs.15,000/- per month. In order to prove the age, as per postmortem certificate Ex.P8, age of the deceased is fixed as 30 years. To substantiate the income of the deceased, no document is marked on the claimants side. In the absence of any documentary evidence to prove the monthly income of the deceased and in consideration of the available details, income of the deceased is fixed as Rs.13,000/- per month. As regards the future prospects and deduction for personal and living expenses, it is not in dispute. For computing loss of dependency, the following formula emerges:-

$$\begin{aligned}\text{Loss of dependency} &= \text{Rs.13,000/-} + 40\% - 1/4 \times 12 \times 17\text{m} \\ &= \text{Rs.27,84,600/-}\end{aligned}$$

6. The claimants are four in number. For loss of consortium, the Tribunal has granted Rs.1,40,000/-. Hence, an amount of Rs.20,000/- is granted in



addition to the amount already granted for loss of consortium to the spouse, children and parent. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and needs no interference by this Court. The compensation awarded under different heads after rework is tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs.16,06,500/-	Rs.27,84,600/-	Enhanced
2	For Loss of Consortium (spouse/children/parent)	Rs.1,40,000/-	Rs.1,60,000/-	Enhanced
3	For Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
4	For Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
	Total	Rs.17,76,500/-	Rs.29,74,600/- rounded off to Rs.29,75,000/-	Enhanced

7. Thus, the compensation awarded by the Tribunal is enhanced from Rs.17,76,500/- to Rs.29,75,000/- which would carry 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).

8. In the result,

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



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(ii) The compensation awarded by the Tribunal is enhanced from Rs. 17,76,500 /- to Rs.29,75,000/-.

(iii) The Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e.Rs.29,75,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit (excluding the period of default if any) to the credit of M.C.O.P.No.144 of 2017 on the file of Motor Accidents Claims Tribunal / District Court No.II, Kanchipuram, within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) Out of the enhanced award amount, the 1st petitioner is entitled for an amount of Rs.11,25,000/-, the 2nd and 3rd petitioners/minors are entitled to each Rs.8,00,000/- and the 4th petitioner is entitled to Rs.2,50,000/-.

(v) On such deposit being made, the claimants/1st and 4th petitioners 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.



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(vi) The share of the minors shall be deposited in any one of the nationalized bank till the minors attains majority and the 1st appellant, mother of the minors Ms.Pavithra is permitted to withdraw quarterly interest from the said amount.

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

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

24.09.2025

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 Accidents Claims Tribunal / District Court No.II, Kanchipuram,
2. The Section Officer,
VR Section,
High Court, Madras.



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R. KALAIMATHI, J.

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