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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1652 of 2025

1. Vishwanathan.P
2. Hemalatha.V

... Appellants

Vs.

1. M/s Rakesh Kumar
2. The Manager,
ICIC Lombard General Insurance Co. Ltd.,
No.84 and 85, Waltax Road, 1st Floor,
Arihant Plaza.
Chennai – 600 003

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the amount awarded in M.C.O.P.No.1304 of 2027 dated 03.02.2025 on the file of Motor Accident Claims Tribunal, (II Judge, Court of Small Causes) Chennai as prayed for with interest and cost.

For Appellant : Mr.K. Varadhakamaraj
For Respondent-1 : Mr.Prabhu
For Respondent-2 : Mrs.R.SreeVidhya



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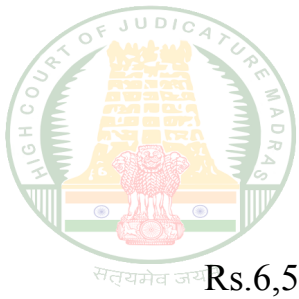
JUDGMENT

The appellants have filed this appeal to enhance the amount awarded in M.C.O.P.No.1304 of 2027 dated 03.02.2025 on the file of Motor Accident Claims Tribunal, (II Judge, Court of Small Causes) Chennai

2. The brief facts of the case of the appellant/claimant is as follows:

On 24.01.2017 at about 12.15 hours when the deceased was a pedestrian on Chetpet, near Mayor Ramanathan Salai police booth at that time the Motor Cycle bearing Reg.No. TN 04 AQ 8616 came west direction from Mayor Ramanathan Salai in a rash and negligent manner and dashed against the deceased. As a result of which the deceased fell down and sustained fatal injuries. A criminal case was registered against the driver of the first respondent vehicle. Hence, the legal heirs of the deceased filed a claim petition claiming a total sum of Rs.47,00,000/- as compensation under various heads.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



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Rs.6,55,600/- as compensation, directed the second respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that after filing of the claim petition before the Tribunal the second petitioner Hemelatha.V passed away. Hence, her name was deleted vide order in M.P.No.3/24 dated 10.01.2024. He further submitted that the award passed by the claims Tribunal is too low. He further submitted that the Tribunal erred in awarding Rs.3,00,000/- only towards pecuniary loss. Further the Tribunal has not awarded any amount towards Extra nourishment, Transport and attender charges during the treatment. Hence, prays to enhance the compensation by allowing this petition.



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6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard Mr.K. Varadhakamaraj, learned counsel for the appellant, Mr.Prabhu for the first respondent and Mrs. R.SreeVidhya for the second respondent.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.3,00,000/- towards loss of dependency; Rs.40,000/- towards loss of parental consortium for the 1st petitioner; Rs.15,000/- towards funeral expenses; Rs.5,000 towards loss of estate; Rs.2,85,507/- towards medical bills.

9. The accident has occurred on 24.01.2017. No compensation has been awarded towards transportation expenses. Transportation expenses would incurred, when the injured is taken to the hospital and when the corpse is taken to the place of resident. Thus a sum of Rs.15,000/-is



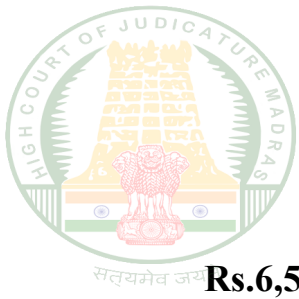
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awarded towards transportation. Further it is also seen that no amount was awarded under the head attender charges, hence Rs.15,000/- is awarded under the head Transportation charges. The compensation that has been awarded under the other heads are reasonable and does not require interference of this Court.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Dependency	Rs.3,00,000/-	Rs.3,00,000/-
2.	Loss of Parental consortium for the first petitioner	Rs.40,000/-	Rs.40,000/-
3.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
4.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
5.	Medical Bills	Rs.2,85,507/-	Rs.2,85,507/-
6.	Attender Charges	-Nil-	Rs.15,000/-
7.	Transportation	-Nil-	Rs.15,000/-
	Total	Rs.6,55,507/-	Rs.6,85,507/-
	rounded off	Rs.6,55,600/-	Rs.6,85,600/-

Thus, the compensation awarded by the Tribunal is enhanced from



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Rs.6,55,600/- to Rs. 6,85,600/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.6,55,600/- to Rs. 6,85,600/-**.

iii. The first appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent/ The ICIC Lombard General Insurance Co. Ltd., is directed to deposit the enhanced compensation amount, i.e., **Rs. 6,85,600/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No.1304 of 2017 dated 03.02.2025 on the file of **Motor Accident Claims Tribunal, (II Judge, Court of Small Causes) Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.



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v. On such deposit being made by the second respondent, the first appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The first appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

31.07.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal,
The III Court of Small Causes, Chennai

2. The Manager,
ICIC Lombard General Insurance Co. Ltd.,
No.84 and 85, Waltax Road, 1st Floor,
Arihant Plaza.

3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

smn

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