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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2138 of 2025

1. Nagammal
2. Kolanthai

... Appellants

Vs.

1. N.C.R. Ratinam

2. National Insurance Company Limited,
Rep by its Divisional Manager,
Balagi Tower, II Floor,
Ramakrishnan Road, Salem

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal by enhancing the award passed by the Tribunal (Subordinate Judge, Palacode) in MCOP No.41 of 2023 dated 23.08.2024 and pass orders.

For Appellant : Mr.S. Udhaya Kumar
For Respondent-2 : MrN.B. Sureka

JUDGMENT



WEB COPY The appellant had filed this appeal to allow this appeal by enhancing the award passed by the Tribunal (Subordinate Judge, Palacode) in MCOP No.41 of 2023 dated 23.08.2024

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

On 09.12.2022 at about 11.50 a.m when the appellant was proceeding in a two wheeler bearing Registration No.KA.50.L.6656 near Kodyur Attaipetti Factory situated in Hosur to Palacode Road, the 1st respondent's bus bearing Registration No.TN.52.H.5806 coming from Hosur toward palacode in a rash and negligent manner and dashed the two wheeler of the appellant. As a result of which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the legal heirs filed a claim petition before the Tribunal seeking compensation against the first and second respondents who are the owner and insurer of the vehicles.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.14,98,000/- as compensation, directed the second respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per



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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 the Tribunal erred in awarding Rs.15,000/- as monthly income of the deceased as he was earning Rs.30,000/- per month at the time of accident. He further submitted that the amount awarded under all other heads are also very low. Hence prays to enhance the compensation by allowing this petition.

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 both sides and perused the materials available on record.



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8. On a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.19,04,000/- towards loss of dependency; Rs.40,000/- towards loss of Consortium; Rs.15,000/- each towards loss of estate and funeral expenses.

9. Considering the occupation of the deceased, his monthly income would be Rs.17,000/-. The Tribunal has taken '9' as a multiplier, but as per the dictum laid by the Hon'ble Apex Court, the correct multiplier is '11'. Considering the age of the deceased and 1/2 should be deducted for his personal expenses.

Calculation

Monthly Income = Rs.17,000/-

40% Future Prospects = $17,000 + 6,800 = 23,800/-$

After 1/2 deduction = $23,800 - 11,900 = \text{Rs.}11,900/-$

Loss of Income

= $\text{Rs.}11,900 \times 12 \times 17$

= $\text{Rs.}24,27,600/-$.

With regard to Consortium the same is enhanced to Rs.80,000/-. Loss of



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Estate and Funeral expenses is enhanced to Rs.16,500/- each.

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.14,28,000/-	Rs. 24,27,600/-
2.	Loss of Consortium	Rs.40,000/-	Rs.80,000/-
3.	Loss of Estate	Rs.15,000/-	Rs.16,500/-
4	Funeral Expenses	Rs.15,000/-	Rs.16,500/-
	Total	Rs.14,98,000/-	Rs.25,40,600/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.14,98,000/- to Rs.25,40,600/-**, 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.14,98,000/- to Rs.25,40,600/-**,



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iii. The 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.

iii. The 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 is directed to deposit the enhanced compensation amount, i.e., **Rs.25,40,600/-**, (after deducting the amount already deposited), jointly 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 **MCOP No.41 of 2023 on the file of Motor Accident Claims Tribunal. Subordinate Judge, Palacode** within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellants/claimants are at liberty to withdraw the same, after following due process of law.



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

13.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn

To

1. The **Motor Accident Claims Tribunal. Subordinate Judge, Palacode**

2. The National Insurance Company Limited,
Balagi Tower, II Floor,
Ramakrishnan Road, Salem

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

T.V.THAMILSELVI, J.

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