



CMA.No.208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.208 & 211 of 2023

Ramehbabu

..Appellant in both the appeals

Vs

1.S.Aanandan(set exparte)

2. The New India Assurance Co.,Ltd.,

No.232, NSC Bose Road, LIC Building,

Opp.MBA Gate, Chennai 600 001

..Respondents in both the appeals

Common Prayer: Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgments and Decrees passed in MCOP.Nos.7825 & 7819 of 2016 dated 04.01.2021 on the file of Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

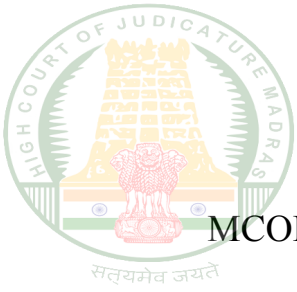
For Appellant in both the appeals : Mr.T.G.Ravichandran

For Respondents in both the appeals :No appearance for R1

Mrs.A.Salomi for R2

COMMON JUDGMENT

These appeals have been filed by the appellant/claimant seeking enhancement of compensation under the impugned award dated 04.01.2021 passed by the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai in



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MCOP.Nos. 7825 and 7819 of 2016.

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2.The brief facts of the case are as follows:

On 20.05.2016, at 16.25 hours, when the deceased in both the cases were travelling as passengers in a car bearing Regn.No.TN-49-BD-8383, in the Chennai Trichy National High Road near Basar Sathya Sai School towards Thitakudi, the driver of the car, drove the vehicle in a rash and negligent manner and hit the bus bearing No.TN-32-N-2871 behind the bus and caused the accident, due to which, the both the parents of the appellant sustained grievous and multiple injuries all over the body leading to death and died on the spot. Claiming that the driver of the car is responsible for the accident, the claimant has filed a claim petition before the Tribunal claiming a sum of Rs.20,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.2,60,000/-.

3. The appellant/claimant, unsatisfied with the quantum of compensation awarded by the Tribunal under the impugned award, has preferred these appeals seeking enhancement.

4. Heard the learned counsel for the appellant and learned counsel for



the second respondent and perused the materials available on record.

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5. (a) The learned counsel appearing for the Appellant/Claimant submitted that in the said accident, the parents of the appellant died and both are having lands and his mother Gnanasundari possessed a declaration land in S.No.407/5, 405/7 and 398/13B and his father Radhamanavalan possessed land in S.404/1 in Orathanadu Village, Thanjavur District. To prove the same, he has produced the adangal extract.

5 (b). Further the learned counsel for the appellant submitted that the lower court has exercised a jurisdiction not vested by law. The Tribunal after perusing all the documents has awarded only a very meager compensation without any valid reasons. The Tribunal has exercised its discretion perversely upon wrong principles which caused serious prejudice to the appellant. The Tribunal failed to consider the age, occupation, income and future promotion aspects of the deceased while awarding compensation. The Tribunal failed to consider the love and affection, funeral expenses, loss of estate and awarded a very meagre compensation. It failed to consider the mental agony suffered by the appellant. The Tribunal, without appreciating the evidences properly, has awarded the total compensation of Rs.2,60,000/- and the said quantum is unreasonable and very low. Hence, he prayed to



enhance the compensation.

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6. Per contra, the learned counsel appearing for the second respondent/Insurance Company has submitted that the compensation claimed by the appellant is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellant/claimant and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. On perusal of records, it is seen that the Tribunal has not properly considered the evidences properly and the documents marked. Considering the submission made on either side and materials available on record especially the adangal extract, the parents of the appellant might have earned a sum of Rs.12,000/- p.m., and hence, this court is inclined to fix the monthly income of the deceased as Rs.12,000/- each for his parents Gnanasundari and Radhamanavalan.

Thus the loss of dependency of the deceased are enhanced to Rs.4,80,000/- ($12000 \times 12 = 144000$; $144000 \times 1/3 = 48000$; $144000 - 48000 = 96000$; $96000 \times 5 = 4,80,000$)

8. Insofar as the heads such as loss of love and affection, loss of



estate, transport charges and funeral expenses are concerned, the Tribunal has granted a just and fair compensation and hence, they do not call for any interference of this court and they are confirmed as such.

9. In the light of the above discussion, the compensation awarded by the Tribunal is modified in both the cases as follows:

<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Total loss of dependency	2,00,000/-	4,80,000/-
2.	Loss of love and affection	25,000/-	25,000/-
3.	Loss of Estate	15,000/-	15,000/-
4.	Transport Charges	5000/-	5000/-
5.	Funeral Expenses	15,000/-	15,000/-
6.	Total	2,60,000/-	5,40,000/-

10. Thus, the appellant/claimant in both the cases is entitled to the enhanced compensation of Rs.5,40,000/- .

11. The Civil Miscellaneous Appeals are partly allowed. No costs.

12. The second respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy

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of this judgment. On such deposit, the appellant/claimant is permitted to



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withdraw the enhanced award amount by filing necessary application before the Tribunal.

13. Since the compensation amount now awarded is Rs.5,40,000/-, it is made clear that the claimant has to pay the appropriate Court fee in order to receive the enhanced award amount.

Index : Yes/No
Speaking/Non-speaking order

05.08.2025

To

1.The Motor Accident Claims Tribunal
(Special Sub Court No.1, Motor Accidents Claims Petitions)
Small Causes Court, Chennai.

2.The Section Officer,
VR Section, High Court, Madras.

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