



CMA No.1699 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1699 of 2025

1.L.Shakila
2.L.Vasanthkumar
3.L.Anitha

... Appellants

Vs.

1.Sangeetha K.

2.The New India Assurance Company Limited,
No.223, Bombay Mutual Building, 6th Floor,
NSC Bose Road,
Chennai-600 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhancing the compensation awarded in the order dated 16.04.2025, passed in MCOP.No.3924 of 2023, on the file of the Motor Accident Claims Tribunal (In the IV Court of small causes, Chennai).

For Appellants : Mr.K.Balaji

For R2 : Mr.T.Jayaraman



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JUDGMENT

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The appellants have filed this appeal against the award passed in M.C.O.P. No. 3924 of 2023 on the file of the Motor Accident Claims Tribunal (No.IV, Court of Small Causes) Chennai, dated 16.04.2025.

2. The brief facts of the case of the appellants/claimants are as follows: The case of the appellants is that, on 14.06.2023 at about 19:30 hours, the deceased was walking from East to West. At that time, a Tanker Lorry bearing Registration No. TN-77-Z-5099, driven by its driver in a rash and negligent manner, hit the deceased. As a result of the impact, the deceased died on the spot. Hence, it is stated that the driver of the Tanker Lorry bearing Registration No. TN-77-Z-5099 was solely responsible for causing the accident by his negligent driving. The first respondent was called absent and was set ex parte.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.24,30,000/- as compensation, directing the 2nd 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 the petition till the date of realization (excluding the period of dismissal for default, if any).

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.K.Balaji, learned counsel appearing for the appellants, and Mr.T.Jayaraman, learned counsel appearing for the 2nd respondent.

6. The learned counsel for the appellants submitted that the deceased was a painter and earning Rs. 30,000/- per month. However, the Tribunal erroneously considered only salary of Rs. 17,500/-. Furthermore, the deceased was aged about 47 years at the time of the accident, which was not taken into account while awarding compensation and prayed for enhancement.

7. On the other hand, the learned counsel appearing for the 2nd respondent contended that personal allowances were deducted, and the



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Tribunal rightly fixed the monthly salary at Rs. 17,500/-. He further submitted that the amount awarded under the head of loss of consortium is sustainable and prayed for dismissal of the appeal as devoid of merit.

8. On considering the submissions of both parties and on perusal of the records, it is evident that the deceased was working as painter and earning of Rs. 30,000/- per month. However, considering the cost of living in the year 2023, this Court is inclined to fix the monthly income of the deceased at Rs.20,000/-.

9. As per the decision of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi and Others*, reported in 2017 (2) TN MAC 601, 25% is to be added towards future prospects. The deceased died leaving behind his legal heirs, his wife, two children. Hence, 1/3th of the income is to be deducted towards personal expenses. The deceased was aged 47 years at the time of the accident, and as per the judgment in *Sarla Verma & Others v. Delhi Transport Corporation & Another*, (2009) 6 SCC 121, the appropriate multiplier is 13.



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10. Calculation:

- Notional Income: Rs. 20,000/-
- 25% Future Prospects: Rs. 20,000 + 5,000 = Rs. 25,000/-
- After 1/3 Deduction: Rs. 25,000 - 8333 = Rs. 16,667/-

Loss of Dependency: Rs. 16,667 × 12 × 13 = Rs. 26,00,052/-

11. The following table sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court:

<i>Sl. No</i>	<i>Heads</i>	<i>Amount Awarded by Tribunal</i>	<i>Amount Awarded by High Court</i>
1.	Loss of Dependency	Rs. 22,75,000	Rs. 26,00,052
2.	Loss of Consortium	Rs. 1,20,000	Rs. 1,20,000
3.	Loss of Estate	Rs. 15,000	Rs. 15,000
4.	Funeral Expenses	Rs. 15,000	Rs. 15,000
5.	Transport Charges	Rs. 5,000	Rs. 5,000
	Total	Rs. 24,30,000	Rs. 27,55,052

Thus, the compensation awarded by the Tribunal is enhanced from Rs. 24,30,000/- to Rs. 27,55,052/-, which shall carry interest at the rate of 7.5% per annum.

12. In the result:

- i. The Civil Miscellaneous Appeal is partly allowed. There shall be



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no order as to costs.

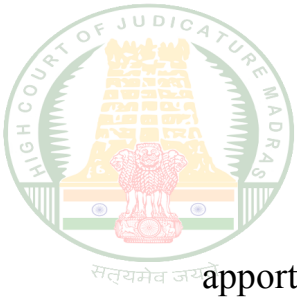
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ii. The compensation awarded by the Tribunal is enhanced from Rs.24,30,000/- to Rs. 27,55,052/-.

iii. The appellants/claimants are directed to pay the court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after receipt of the court fee.

iv. The 2nd respondent is directed to pay the enhanced compensation amount of Rs.27,55,052/- (after deducting any amount already deposited), along 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. 3924 of 2023 on the file of the Motor Accident Claims Tribunal (In the IV Court Small Causes) Chennai, 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 by the 2nd respondent, the appellants/claimants are at liberty to withdraw the same as per the



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apportionment made by the Tribunal, after following due process of law.

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

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

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2. The New India Assurance Company Limited,
No.223, Bombay Mutual Building, 6th Floor,
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Chennai-600 001.

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



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T.V.THAMILSELVI, J.

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