IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.2868 of 2025

1.Rani
2.Raja
Kamaleshan(Died)
Cause title accepted vide Court order
dated 09.08.2024 made in CMP.No.16573 of 2024
in CMASR.No.96071/2024)
3.Govindammal ... Appellants

vs.

1.Munna

2.The Manager(T.P.Claim),
Future General India Insurance Company Ltd.,
Office at 1st, 2nd & 3rd Floor, Plot No.55,
Old No.27, Vijay Raghava Road,
T.Nagar, Chennai 600 017.

3.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Rangapuram, Vellore-9.
(No relief sought against the 1st and 3rd
respondents hence notice may be
dispensed with) ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to enhance the dated 02.06.2013 in M.C.O.P.No.738 of 2016 on the file of the Motor Accident Claims Tribunal / Additional District Court, (Fast Track Court) Vellore District.

For appellants	:	Mr.C.Prabakaran
For R1	:	Mr.E.Kannadasan
For R2	:	Mrs.C.Harini for M/s.M.B.Gopalan Assoc.

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the claimants against the award dated 02.06.2013 made in M.C.O.P.No.738 of 2016 passed by the Motor Accident Claims Tribunal /Additional District Court, (Fast Track Court) Vellore District, for enhancement of compensation.

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

3. The dependents of the deceased Govindaraj, who sustained fatal injuries in a motor accident that took place on 06.07.2016, filed a claim petition,claiming compensation of Rs.30,00,000/- under Section 166 of the Motor Vehicles Act, 1988.

4. The Tribunal upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.10,27,500/- with interest at the rate of 7.5% p.a. The amount awarded by the Tribunal under various heads are tabulated hereunder :

S.No.	Description	Amount awarded by the Tribunal
1	For loss of dependency	Rs. 8,77,500/-
2	For loss of consortium	Rs. 40,000/-
3	For loss of love and affection	Rs. 75,000/-
4	For loss of estate	Rs. 15,000/-
5	For transport expenses	Rs. 5,000/-
6	For funeral expenses	Rs. 15,000/-
	Total	Rs.10,27,500/-

5. The manner in which the accident occurred is not in dispute. The learned counsel for the appellants/claimants would contend that the deceased was aged about 50 years at the relevant point of time, was engaged in the textile business, and earning a sum of Rs.30,000/- per month. The notional income of the deceased fixed at Rs.6,000/- p.m, is therefore very low. He would further contend that the amount awarded under the head loss of consortium is also inadequate.

6. The Original Claim Petition was filed by the wife, sons and mother of the deceased Govindaraj. The wife, son and mother of the deceased Govindaraj have been arrayed as appellants No. 1 to 3 respectively. During the pendency of the proceedings before the Tribunal, the third claimant Kamaleshan, son of the deceased Govindaraj passed away on 22.05.2023.

7. Date of the accident is 06.07.2016. It is the evidence of P.W1 that the deceased was engaged in the textile business and earning a sum of Rs.30,000/- per month. To substantiate the said details, documents such as, bank passbook and income tax return etc., were not marked. Therefore, in consideration of the above said details, the notional income of the deceased is fixed as Rs.13,000/- per month. As per Ex.P.2 and Ex.P.3, namely the post mortem certificate and death certificate, the age of the deceased is fixed as 50 years. As per the law laid down by the Hon'ble Supreme Court in ***National Insurance Company vs. Prenay Sethi and Others, 2017(2) TNMAC 609 SC,*** for the age group of persons between 40 and 50 years, 25% has to be added as future prospects while computing the monthly income of the deceased.

8. As held in **Smt.Sarla varma and others vs Delhi Corporation and another** reported in ***2009(2) TNMAC 1 (SC),*** *if the claimants are three in*

number, then 1/3rd has to be deducted for personal and living expenses and the relevant multiplier to be adopted is '13'm. For computing loss of dependency, the following formula emerges:

For loss of dependency = [(Rs.13,000/ - _ 1/3)+ 25% x12x13m

= Rs.16,90,104/-

9. In the given circumstances, for loss of love and affection, a sum of Rs.5,000/- is granted in addition to the amount already awarded by the Tribunal. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable, and it needs no interference. The compensation granted by the Tribunal is reworked and tabulated as hereunder:

Sl. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	For loss of Dependency	8,77,500/-	16,90,104/-	enhanced
2	For loss of Consortium	40,000/-	40,000/-	confirmed
3	For loss of love and affection	75,000/-	75,000/-	confirmed
4	For loss of Estate	15,000/-	15,000/-	confirmed
5	For transport expenses	5,000/-	5,000/-	confirmed
6	For funeral expenses	15,000/-	15,000/-	confirmed
	Total	**Rs.10,27,500/-**	**Rs.18,40,104/-**	**Enhanced**

			rounded off as Rs.18,40,000/-	

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.10,27,500/- to Rs.18,40,000/- which would carry interest at the rate of 7.5% per annum.

11. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed.

(ii)The Compensation awarded by the Tribunal is enhanced from Rs.10,27,500/- to Rs.18,40,000/-.

(iii)The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.18,40,000/- (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) and costs to the credit of M.C.O.P.No.738 of 2016 on the file of Motor Accidents Claims Tribunal / Additional District Court, (Fast Track Court) Vellore District, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv)The 1st claimant is entitled to Rs.8,00,000/-, 2nd claimant is entitled to Rs.8,40,000/- and 4th claimant is entitled to Rs.2,00,000/-

v) On such deposit being made, the claimants 1, 2 & 4 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.

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

vii)The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimant. There is no order as to costs.

17.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
kkd

<u>To</u>

The Motor Accidents Claims Tribunal / Additional District Court,
(Fast Track Court) Vellore District.

R.KALAIMATHI,J.

kkd

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