



C.M.A.No.2835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.2835 of 2025

1. Sarojani

2. Subramaniam

.. Appellants /Petitioners

Vs.

1. S. Dineshkumar

2. The Oriental Insurance Co. Ltd.,
III Floor, Cheran Towers,
82, Government Arts College Road,
Coimbatore – 18

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation in the award dated 02.08.2023 made in M.C.O.P.No.315 of 2021 on the file of the MACT/IV-Additional District Court, Coimbatore.

For Appellants : Mr.M.Lokesh

For R1 : Notice dispensed with

For R2 : Mr.Elveera Antionette Ravindran

JUDGMENT

This Civil Miscellaneous Appeal has been preferred against the Award dated 02.08.2023 made in M.C.O.P.No.315 of 2021 on the file of Motor Accident Claims Tribunal / IVth Additional District Court, Coimbatore, by the



claimants herein for enhancement of compensation.

WEB COPY

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

3. The only ground urged by the learned counsel for the appellants is that the notional income fixed by the Tribunal for the deceased is less.

4. The age of the deceased, Lalithkumar is fixed as 29 years, which is not in dispute. He is stated to be working as a Manager in Sri Amman Tyres, Coimbatore and earning a sum of Rs.30,000/- per month. Ex.P11- Appointment Letter dated 04.11.2018. Ex.P12 is the salary slip for the month of May 2019, wherein his salary is mentioned as Rs.30,390/-. The said documents have been marked through the Owner of the said shop, who was examined as P.W3. In addition to the said documents, as the salary disbursement register, attendance register and other relevant registers were not marked, the Tribunal fixed his income as Rs.9,500/- and added 40% for future prospects (Rs.9,500/- + Rs.3,800/- = Rs.13,300/-). The reasons assigned by the Tribunal for not relying upon Ex.P11 and Ex.P12 are acceptable, which cannot be found fault with. Date of accident is 23.06.2019 and he succumbed to the injuries on 26.06.2019. The deceased is a MCA graduate and the copy of decree certificate is Ex.P20. In consideration of the



above said details, his monthly income is fixed at Rs.18,000/-. For computing loss of dependency, the following formula emerges:-

$$\begin{aligned}\text{Loss of dependency} &= [(\text{Rs.18,000/-} + 40\%) \times 1/2] \times 12 \times 18\text{m} \\ &= \text{Rs.27,21,600/-}\end{aligned}$$

5. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and it needs no interference by this Court. After rework, the amount awarded under various heads are tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs.14,36,400/-	Rs.27,21,600/-	Enhanced
2	For Loss of Consortium	Rs.80,000/-	Rs.80,000/-	Confirmed
3	For Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
4	For Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
5.	For Medical Expenses (as per Ex.P10)	Rs.66,223/-	Rs.66,223/-	Confirmed
	Total	Rs.16,12,623/-	Rs.28,97,823/- rounded off to Rs.28,98,000/-	Enhanced

6. Thus, the compensation awarded by the Tribunal is enhanced from Rs.16,12,623/- to Rs.28,98,000/- which would carry interest at the rate of 7.5%



per annum (excluding the period of default if any) from the date of petition till the date of realisation.

7. In the result,

(i) The Civil Miscellaneous Appeal stands Partly Allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.16,12,623/- to Rs.28,98,000/-.

(iii) The Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e. Rs.28,98,000/- (less the amount, if any already deposited) together with interest at the rate of 7.5% per annum (excluding the period of default if any) from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.315 of 2021 on the file of Motor Accidents Claims Tribunal, Salem, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) The petitioners 1 and 2 are entitled to equal share i.e., the petitioners no.1 and 2 are entitled to Rs.14,49,000/- with proportionate interest and cost.

(v) On such deposit being made, the claimants are permitted to



C.M.A.No.2835 of 2025

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 enhanced compensation amount, if required.

(vii) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

17.10.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

Mac

Copy to

1. The Motor Accidents Claims Tribunal, Coimbatore
2. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



C.M.A.No.2835 of 2025

R. KALAIMATHI, J.

Mac

C.M.A.No.2835 of 2025

17.10.2025