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CMA No. 2021 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-08-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 2021 of 2025**

Muthulakshmi

Appellant

Vs

1. United India Insurance Co. Ltd.,  
T.P. Cell No.134, Greams Road,  
Chennai - 006. G. Anbu Kumar (Died)

2.K. Gajapathy

3.G. Radha  
W/o. Gajapathy, NO.14A, 4th Cross  
Street, Thirumagal Nagar, Velrampet,  
Mudaliyarpet, Puducherry - 004.  
(amended as per order in MP No.4/2023  
dated 29.11.2023)

Respondents

**PRAYER:-** Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicle Act, praying to allow appeal and to enhance the amount awarded in



MCOP.No.4742 of 2019 in order dated 06.11.2024 on the file of motor accident claims tribunal Chennai, Chief Judge Court of Small Causes, Chennai as prayed for with interest and cost.

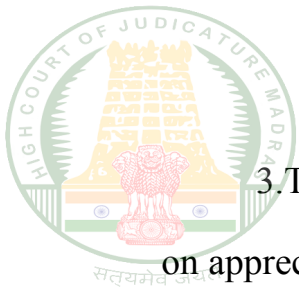
For Appellant: Mr.U.Chithambaram

For Respondents: Mr.K.Swaminathan For R1  
R2 And R3 - NDW

### **JUDGMENT**

Challenging the impugned award passed by the tribunal in MCOP.No.4742 of 2019, the appellant/petitioner had preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellant is the wife of deceased Kasinathan @ Kasi. The case of appellant is that on 14.07.2019 at about 07.00 hours, when the deceased was standing on the left side of ECR Road near Alapakkam Bus Stop, at that time, a two wheeler bearing Regn. No. PY-05 H-5005 driven by its driver in a rash and negligent manner, dashed the deceased two wheeler and caused an accident. Due to which, the deceased sustained grievous injuries, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.25,00,000/-.



3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of motorcycle owned by one G.Anbu Kumar, who was rash and negligent in causing the accident, which resulted in death of deceased. As G.Anbu Kumar was the owner of vehicle, he died at the time of accident. Hence, his legal heirs/3<sup>rd</sup> and 4<sup>th</sup> respondents were impleaded and accordingly, they are legal heirs of deceased G.Anbu Kumar and 1<sup>st</sup> respondent being the insurer of offending vehicle, the tribunal had held that all of them are liable to pay the compensation to the petitioner for the death of deceased. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.9,71,000/- under various heads as follows:

| S.No | Compensation awarded under the head                             | Amount (in Rs.) |
|------|-----------------------------------------------------------------|-----------------|
| 1.   | Loss of income                                                  | 8,91,000        |
| 2.   | Loss of Estate                                                  | 15,000          |
| 3.   | Loss of consortium                                              | 40,000          |
| 4.   | Funeral expenses                                                | 15,000          |
| 5.   | Transportation charges including damages to personal belongings | 10,000          |
|      | <b>Total compensation awarded (by adding Sl. Nos. 1 to 5)</b>   | <b>9,71,000</b> |



4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellants would argue that the accident was happened in the year 2019 and he was working as a carpenter, thereby he had earned a sum of Rs.30,000/- per month, but without considering the same as well as without considering cost of living at that time, the tribunal had fixed the notional income as Rs.15,000/-. Hence, he prayed for enhancement of compensation.

6. The learned counsel for 1<sup>st</sup> respondent raised objections stating that the deceased was aged about 56 years and there is no proof produced on the side of appellants for the income derived by him as a Carpenter around Rs.30,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.15,000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 1<sup>st</sup> respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2019 and he was aged about 56 years, he was working as a carpenter,



thereby even per day his income is to be considered as a sum of Rs.600/- and he would have earned Rs.18,000/- per month. Therefore, considering his age as well as cost of living at that time, this Court is inclined to enhance the notional income of the deceased Kasinathan @ Kasi from Rs.15,000/- to Rs.18,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

| S.No | Compensation awarded under the head                                                                                                                 | Amount awarded by the tribunal (in Rs.) | Amount (in Rs.)  | Award confirmed or granted or enhanced |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------|----------------------------------------|
| 1.   | For loss of income<br>Rs.18,000/- (add 10% future prospects)<br>= 18000 + 1800 = 19800<br>19800 x 12 x 9 (multiplier) = 21,38,400 – 1/2 = 10,69,200 | 8,91,000                                | 10,69,200        | enhanced                               |
| 2.   | Loss of estate                                                                                                                                      | 15,000                                  | 15,000           | confirmed                              |
| 3.   | Loss of consortium                                                                                                                                  | 40,000                                  | 40,000           | confirmed                              |
| 4.   | Funeral expenses                                                                                                                                    | 15,000                                  | 15,000           | confirmed                              |
| 5.   | Transportation expenses                                                                                                                             | 10,000                                  | 10,000           | confirmed                              |
|      | <b>Total</b>                                                                                                                                        | <b>9,71,000</b>                         | <b>11,49,200</b> | <b>enhanced</b>                        |

10. Accordingly, the compensation awarded by the tribunal at Rs.9,71,000/- is enhanced to Rs.11,49,200/-. The 1<sup>st</sup> respondent insurance



company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellant is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

**08-08-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes,  
Chennai.

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



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**T.V.THAMILSELVI J.**

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