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CMA No. 2422 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2422 of 2024

AND

CMA NO. 1479 OF 2024,CMP NO. 19218 OF 2024

1. The Manager

The New India Assurance Company
Limited, 6th Floor, NSC Bose Road,
Brodway Chennai 600 001.

Appellant(s)

Vs

1. JAYANTHI

Res.No. 110, Tippo Line , C
Pallavaram, Kanchipuram, 600 043.

2.Murugan

Res.No. 110, Tippo Line , C
Pallavaram, Kanchipuram, 600 043.

3.Stephen Raj B

S/o. Baskar, No. 110, Tippo Line , C
Pallavaram, Kanchipuram, 600 043.

Respondent(s)

CMA No. 1479 of 2024

1. Jayanthi (died) 1. Murugan



S/o. Late Periyasamy, Res. at No. 110,
Deppo Line, C.Pallavaram,
Kancheepuram 600 043.

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Appellant(s)

Vs

1. Stephen Raj B
S/o. Baskar, No. 110, Deppo Line,
C.Pallavaram, Kancheepuram 600 043.

2. The Manager
The New India Assurance Company
Ltd, Motor Third Party Claims, No.
232, 6th Floor, N.S.C.Boss Road,
Broadway, Chennai 600001.

Respondent(s)

CMA No. 2422 of 2024

PRAYER

To set aside the decree and Judgment passed in MCOP No. 2718 of 2021 dated 23.02.2023 on the file of the Learned Motor Accident Claims Tribunal (VI Small Causes Court) Chennai and be to dismiss the above claim

CMA No. 1479 of 2024

PRAYER

To set aside the award dated 23.02.2023 and made in MCOP No.2718 of 2021 on the file of the Motor Accidents Claims Tribunal, VI Judge, Court of Small Causes Chennai so far as granting the lower amount of Rs.16,22,000/- and enhance the award amount

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For Appellant(s): Mr.J.Chandran



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For Respondent(s): Mr.K.Ayyadurai For R1 And R2
R3 -no Appearance

COMMON JUDGEMENT

CMA No. 2422 of 2024 has been filed to set aside the decree and Judgment passed in MCOP No. 2718 of 2021 dated 23.02.2023 on the file of the Learned Motor Accident Claims Tribunal (VI Small Causes Court) Chennai

2. CMA No. 1479 of 2024 has been filed to set aside the award dated 23.02.2023 and made in MCOP No.2718 of 2021 on the file of the Motor Accidents Claims Tribunal, VI Judge, Court of Small Causes Chennai so far as granting the lower amount of Rs.16,22,000/- and enhance the award amount.

3. On 15.06.2021 at about 03.30 p.m., when the deceased Karthikeyan riding in a motorcycle as pillion rider bearing registration No. TN 22 DT 5611 near Pallavaram New Bridge, his motorcycle dashed against the bridge wall due to which the deceased Karthikeyan sustained injuries thereafter he was taken to hospital where he died. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The Insurance company contested the case by filing counter. After considering the oral and documentary evidence awarded compensation. Both the Insurance Company and the claimants are filed these



appeals. For the sake of convenience the parties are denoted as claimants and Insurance Company.

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4. The learned counsel for the claimants submit that the deceased was working as a Auto Mechanic earned Rs.30,000/- per month towards his income but the tribunal erroneously fixed Rs.10,000/- as notional income of the deceased which is very meagre. Further, the tribunal has awarded very meagre amount under other heads. Hence, he prays to enhance the compensation.

5. The learned counsel for the Insurance Company submits that at the time of the accident the rider of the two wheeler has not possessed valid driving licence thereby he violated the policy condition but the tribunal has erroneously fastened the liability upon the Insurance Company. Further, the tribunal has awarded exorbitant amount to the claimants hence he pleaded to set aside the judgment passed by the tribunal.

6. On perusal of the records, it reveal that the rider of the two wheeler has not possessed any valid driving licence at the time of the accident thereby he violated the policy condition however the tribunal has fixed the liability upon the insurance company which is erroneous and liable to be set aside. The



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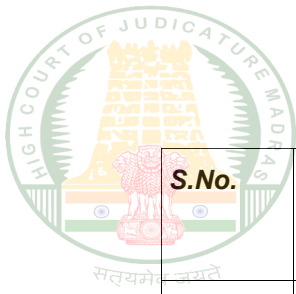
tribunal ought to have directed the Insurance company to pay the compensation and recover the same from the owner of the two wheeler. Therefore, the

Insurance Company is directed to pay the compensation and recover the same from the owner of vehicle/third respondent in CMA No. 2422 of 2024.

Accordingly, the appeal filed by the Insurance Company in CMA No. 2422 of 2024 is partly allowed. No Costs. Pending petition(s), if any, is/are closed.

7. In respect of appeal filed by the claimants in CMA No.1479 of 2024, the deceased Karthikeyan died at the age of 22 leaving behind his parents and claimants and the accident was happened in the year 2021 and also considering the cost of living and price fluctuations. This Court is inclined to fix Rs.16,000/- as notional income of the deceased from Rs.10,000/-. Accordingly, the claimants are entitled to 24,12,000/-(16000+6400x12x18x1/2) under the head of loss of dependency. Except above modification, the award passed by the tribunal in other heads remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependency	Rs.15,12,000/-	Rs.24,12,000/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
3.	Loss of consortium	Rs.80,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Nil	Nil
	Total	Rs.16,22,000/-	Rs.25,22,000/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.25,22,000/-**. The Appellant herein/Insurance Company is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 2718 of 2021 Motor Accident Claims Tribunal (VI Small Causes Court) Chennai, within a period eight weeks from the date of receipt of a copy of this judgement and recover the same from the first respondent. On such deposit, the appellant/claimant in CMA No. 1479 of 2024 is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).



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9. With the above direction, the CMA No. 1479 of 2024 is partly allowed.

No costs. Pending petition(s), if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (VI Small Causes Court) Chennai
2. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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AND CMA NO. 1479 OF
2024,CMP NO. 19218
OF 2024**

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