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CMA No. 2305 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2305 of 2024

1. Priya

2. Jaisankar

Appellants

Vs

1. T.K. Vijithra Saravanakumar

2.ICICI Lambord General Insurance Co
Ltd.,
2nd and 3rd Nungambakkam High Road,
Chottabai Center, Chennai-600 034

Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the compensation awarded in the order dated 21.06.2024 in MCOP.No.31/2023 on the file of exclusive Motor Accident Claim Tribunal, Dharmapuri.



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For Appellants: Mr. M. Mohamed Afridi

For Respondents: Mr. S.Sundara Moorthy For R1
Mrs. R.Sree Vidhya For R2**JUDGMENT**

Challenging the impugned award passed by the tribunal in MCOP.No.31 of 2023, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The Petitioners are parents of deceased. The case of the petitioners is that on 04.10.2022 at about 06.15 a.m., when the deceased Santhosh was riding his two wheeler bearing Regn. No. TN-29 BQ-4863 along with his friend as a pillior rider on Theni Main Road opposite to Katroad JC Bakery, the driver of a car bearing Regn. No. TN-12 AQ-9699 came from the opposite direction drove it in a rash and negligent manner, dashed the petitioner's two wheeler and caused an accident. Due to which, the deceased sustained grievous injuries, for which he has undergone treatment, but inspite of treatment, he died in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.50,00,000/-.

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



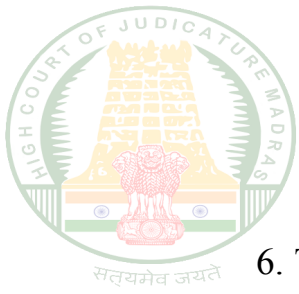
accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the

Tribunal fixed the total compensation payable at Rs.23,89,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	22,68,000
2.	Loss of consortium	Nil
3.	Loss of love and affection (children)	nil
4.	Filial Consortium (father & mother)	88,000
3.	Loss of estate	16,500
4.	Funeral expenses	16,500
5.	Medical bills	Nil
	Total	23,89,000

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 2022, but without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.15000/-. Hence, they prayed for enhancement of compensation.



6. The learned counsel for 2nd respondent raised objections stating that as the deceased was studying B.E. Civil Engineering at Sona College of Technology, there is no income earned by him at the time of accident. Hence, the Tribunal had rightly fixed the notional income along with 40% of future prospects as Rs.21000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and respondents and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2022 and he was aged about 20 years. Hence, even per day the income is to be considered as a sum of Rs.600/-, he would have earned Rs.18,000/-. Therefore, considering the cost of living, this Court is inclined to enhance the notional income of the deceased Santhosh from Rs.15000/- to Rs.18000/-. 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:



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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency (Rs.18000/- (add 40% future prospects) = 18000 + 7200 =25200 25200 x 12 x 18 (multiplier) x 1/2 = 27,21,600	27,21,600
2.	Filial consortium (father & mother)	88,000
3.	Loss of estate	16,500
4.	Funeral expenses	16,500
5.	Medical bills	Nil
	Total	28,42,600

10. Accordingly, the compensation awarded by the tribunal at Rs.23,89,000/- is enhanced to Rs.28,42,600/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The second 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 this judgment.



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

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26-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Dharmapuri.

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



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T.V.THAMILSELVI J

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