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CMA No. 2927 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2927 of 2024

1. S. Ramar

S/o. Sinna Naicker, No.1 ,6th Street,
Anna Nagar, Pattabiram, Chennai - 600
072.

2. R.Ramesh

S/o.Ramar, No.1 ,6th Street, Anna
Nagar, Pattabiram, Chennai - 600 072.

3. R.Kohilan

S/o.Ramar, No.1 ,6th Street, Anna
Nagar, Pattabiram, Chennai - 600 072.

4. R.Thilagamani

D/o.Ramar, No.1 ,6th Street, Anna
Nagar, Pattabiram, Chennai - 600 072.

Appellant(s)

Vs

1. Prasanth Kumar

No.5/4, 1st Cross Attibele Village and
Post, Anekal Taluk, Bangalore - 562
107.



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2. Shriram General Insurance Co.Ltd.,
No.4, 2nd floor, Mookambika
Complex, Lady Deshika Road,
Mylapore, Chennai - 600 004. now
office at Shriram General Insurance
Company Ltd., 3rd Party Claim Office,
Plot No.5, 1st Floor, Ramachendran
Street, Saravana Nagar, Seevaram,
Perungudi, Chennai - 96.

Respondent(s)

CMA No. 2927 of 2024

PRAYER

To set aside the award dated 28.11.2023 made in MCOP No.5918 of 2019 on the file of Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

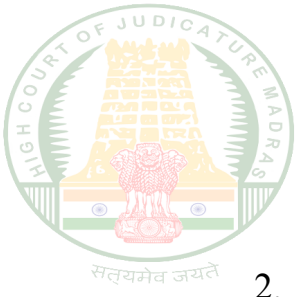
CMA No. 2927 of 2024

For Appellant(s): M/s. P. Cheralaadhan

For Respondent(s): Mrs. R.Sree Vidhya For R2 R1 -
Insufficient Address

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the award dated 28.11.2023 made in MCOP No.5918 of 2019 on the file of Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.



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2. On 28.08.2019 at about 23.00 hours while the victim and her son Ramesh were travelling as passenger in a car bearing registration No. KA 50 A 0636 at Bangalore to Chennai highways, Seduvalai Service Road from west to east direction, opposite of Virinchipuram police station, the said car was driven in a rash and negligent manner dashed against the back side of the lorry bearing registration No. KA 01 D 2444 which was parked on the side of the road, due to which, the deceased sustained grievous injuries died on the spot. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The respondent insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a compensation. Challenging the quantum of compensation, the claimants filed this appeal.

3. The learned counsel for the appellant submits that the accident was happened in the year 2019 but the tribunal has awarded very meagre amount. Hence, he prayed to enhance the compensation.



4. The learned counsel for the respondent insurance company submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the fact that the accident was happened in the year 2019 and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.12,000/- under the head of notional income. Accordingly, the claimants are entitled to Rs. 5,04,000/- $\{12,000 \times 12 \times 7 \times 1/2\}$ under the head of loss of dependency. Except above modification, the award passed by the tribunal under the other heads remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.4,20,000/-	Rs.5,04,000/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.1,60,000/-	Rs.1,60,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.10,000/-	Rs.10,000/-
	Total	Rs.6,20,000/-	Rs.7,04,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.7,04,000/-**. The 2nd respondent 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.5918 of 2019 on the file of Motor Accident Claims Tribunal, Chief Judge,

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Court of Small Causes, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant 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).

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

03-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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No.5/4, 1st Cross Attibele Village and
Post, Anekal Taluk, Bangalore - 562
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2. Shriram General Insurance Co.Ltd.,
No.4, 2nd floor, Mookambika
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office at Shriram General Insurance
Company Ltd., 3rd Party Claim Office,
Plot No.5, 1st Floor, Ramachendran
Street, Saravana Nagar, Seevaram,
Perungudi, Chennai – 96.
3. The Section Officer, V.R Section,
High Court, Madras.
4. The Motor Accident Claims Tribunal,
Chief Judge, Court of Small Causes,
Chennai.



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T.V.THAMILSELVI J.
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