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CMA No. 1782 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1782 of 2025

1. Vijaya

W/o. Maharajan, Res. at No. 166/78,
5th Street, Nethaji Nagar, Tondiarpet,
Chennai-81

2. Maharajan

S/o. Subramani, Res. at No. 166/78,
5th Street, Nethaji Nagar, Tondiarpet,
Chennai-81

Appellant(s)

Vs

1. Southern Tropical Foods Pvt Ltd
Rep. by Swarna Chenchiah, Survey
No. 11, Behind Railway Gate, K
Bitragunta, Singarayakonda, Prakasam
District, Andhra Pradesh 523104.

2.The Oriental Insurance Co Ltd
D.O.T.P.Cell.No. 115, Oriental House,
Pragasam Salai. Broadway -104.

Respondent(s)



PRAYER

Civil Miscellaneous Appeal filed under Section 173 of MV Act, 1988, praying to set aside the decree and judgment dated 08.04.2025 made in MCOP No. 5909 of 2022 on the file of Motor Accident Claims Tribunal Chennai, Chief Judge Court of Small Causes Chennai.

For Appellant(s): Mr.U.Chithambaram

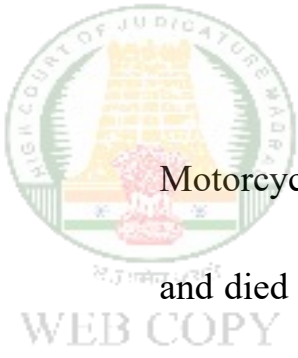
For Respondent(s): Mr.S.Sethilkumar for R2
R1 - No Appearance

JUDGMENT

The appellant has filed this appeal to set aside the judgment and decree dated 08.04.2025 in MCOP.No.5909 of 2022 on the file of the Motor Accidents Claims Tribunal Chennai.

2. The brief facts of the case as follows:

The 1st appellant is mother and 2nd appellant is father of the deceased Iyyappan. The appellants / petitioners claimed that on 03.12.2022 at about 13.00 hrs, while the victim, Iyyappan was riding a Motorcycle bearing Reg.No.TN03 AD 8232 on GNT Road, near Cinema Theater Sullupetta, Andhra Pradesh, a Lorry bearing Registration No.AP39 TC 4545 coming towards Nellore direction was driven in a rash and negligent manner and dashed against the victim's



Motorcycle. Due to the impact, the victim sustained multiple grievous injuries and died on the spot. The appellants further claimed that the deceased was aged 23 years. He was working at Marine Infra Structure Developer Pvt. Ltd, Kattupalli Road, Kattupalli, Chennai 600 120 and was earning Rs.20,000/- per month. The 1st respondent being the owner and 2nd respondent being the insurer of the offending vehicle.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.26,56,000/- as compensation, directing the 2nd respondent to pay the said amount to the appellants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization (excluding the period of dismissal for default, if any).

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.



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5. The learned counsel for the petitioner submitted that the deceased was aged about 23 years and was employed as a company staff member in a private sector concern, Marine Infrastructure Development, earning a monthly salary of Rs. 21,500. To substantiate this, Ex.P14—pay slip was produced. However, the Tribunal failed to consider the same and fixed the notional income at only Rs.16,700. Hence, he prayed for modification.

6. The learned counsel for the 2nd respondent raised an objection contending that the pay slip produced does not tally with the details of the company where the deceased was employed. Therefore, the Tribunal was justified in fixing the notional income, and no interference is required.

7. On considering the submissions made on both sides, it is noted that the accident occurred in the year 2022 and the deceased was aged about 23 years. Though Ex.P14 pay slip was produced, no supporting documents such as a bank statement or appointment order from the said company were filed. However,



considering the cost of living and other prevailing circumstances during the relevant period, this Court is inclined to fix the monthly income at Rs. 20,000/- would meet the ends of justice.

8. As per the decision of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi and Others*, reported in 2017 (2) TN MAC 601, 40% is to be added to the income towards future prospects. The deceased died as a bachelor and hence, 50% is deducted towards his personal expenses. The deceased was aged 23 years at the time of the accident. As per the decision rendered in *Sarla Verma and Others v. Delhi Transport Corporation and Another*, reported in (2009) 6 SCC 121, the appropriate multiplier is 18.

9. Calculation:

- Notional Income = Rs. 20,000/-
 - Future Prospects (40%) = Rs. 20,000 + Rs. 8,000 = Rs. 28,000/-
 - After 1/2 deduction = Rs. 28,000 - Rs. 14,000 = Rs. 14,000/-
- Loss of dependency = Rs. 14,000 $\times$ 12 $\times$ 18 = Rs.30,24,000/-



11. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

<i>Sl. No</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal (Rs.)</i>	<i>Amount awarded by the High Court (Rs.)</i>
1.	Loss of dependency	25,25,040	30,24,000
2.	Loss of Estate	16,500	16,500
3.	Loss of Consortium	88,000	88,000
4.	Funeral Expenses	16,500	16,500
5.	Transportation charges	10,000	10,000
	Total	26,56,040/-	31,55,000/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.26,56,040/- to Rs.31,55,000/-, which shall carry interest at the rate of 7.5% per annum.

12. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



ii. The compensation awarded by the Tribunal is enhanced from Rs.26,56,040/- to Rs.31,55,000/-.

iii. The claimants / appellants are directed to pay the court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after receipt of the court fee.

iv. The 2nd respondent is directed to deposit the enhanced compensation amount of Rs.31,55,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 5909 of 2022 on the file of the Motor Accidents Claims Tribunal, Chennai, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the 2nd respondent, the claimants / appellants are at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

28-08-2025



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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3.The Motor Accident Claims Tribunal
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4.The Section officer,
VR Section – High Court of Madras.



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T.V.THAMILSELVI J.
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