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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2106 of 2025

1. Perumal
2. Vaithishwaran
3. Valarmathi

... Appellants

Vs.

1. Arunpandiyan
2. The Oriental Insurance Company Limited,
“Divya Twers” Fort Main Road,
Shevapet, Salem District.

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 01.08.2022 made in M.C.O.P.No. 937 of 2020 on the file of the Learned Special District Judge, MCOP Tribunal, Salem and enhance the compensation and pass orders.

For Appellant : Mr.S. Ramprabu
For Respondent-2 : Mr.J. Chandran



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JUDGMENT

The appellant had filed this appeal to set aside the award dated 01.08.2022 made in M.C.O.P.No. 937 of 2020 on the file of the Learned Special District Judge, MCOP Tribunal, Salem and enhance the compensation and pass orders.

2. The brief facts of the case of the appellant/claimant is as follows:

On 23.07.2020 at about 9.30 a.m when the deceased was riding his two wheeler bearing Registration No. TN.30-AF-8137 on the extreme left in Salem- Coimbatore a two wheeler bearing Registration No. TN-29-T-7092 was driven by its rider in a rash and negligent manner in the same direction and hit behind the deceased, due to which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the legal heirs filed a claim petition before the Tribunal seeking compensation against the first and second respondents who are the owner and insurer of the vehicles.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.9,35,000/- as compensation, directed the first and second respondents



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to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.10,000/- as monthly income of the deceased as he was earning Rs.18,000/- per month at the time of accident. He further submitted that the amount awarded under all other heads are also very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials available on record.



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8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.7,20,000/- towards loss of income; Rs.1,30,000/- towards Medical Expenses; Rs.60,000/- towards loss of love and affection; Rs.25,000/- towards funeral expenses.

9. Considering the occupation of the deceased, his monthly income would be Rs.15,000/-. The Tribunal has taken '9' as a multiplier, but as per the dictum laid by the Hon'ble Apex Court, the correct multiplier is '11'. Considering the age of the deceased and 1/2 should be deducted for his personal expenses.

Calculation

Monthly Income = Rs.15,000/-

10% Future Prospects = 15,000 + 1,500 = 16,500/-

After 1/2 deduction = 16,500 – 8,250 = Rs.8,250/-

Loss of Income

= Rs.8,250 x 12 x 11

= Rs.10,89,000/-.

With regard to Love and affection the same is enhanced to Rs.40,000/- to



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each person and Rs.1,20,000/- is quantified the said head. No amount was awarded under the head loss of estate, hence Rs.25,000/- is awarded towards the same. The amount awarded under the head Medical expenses and Funeral expenses remains the same.

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

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income	Rs.7,20,000/-	Rs.10,89,000 /-
2.	Medical Expenses	Rs.1,30,000/-	Rs.1,30,000/-
3.	Loss of Love and affection	Rs.60,000/-	Rs.1,20,000/-
4	Funeral Expenses	Rs.25,000/-	Rs.25,000/-
5	Loss of estate	-Nil-	Rs.10,000/-
	Total	Rs.9,35,000/-	Rs. 13,74,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.9,35,000/ to Rs.13,74,000 /-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

- The Civil Miscellaneous Appeal is partly allowed. There shall be



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no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from

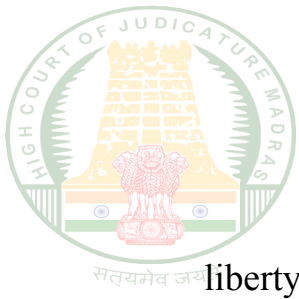
Rs.9,35,000/ to Rs.13,74,000 /-

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The first and the second respondents are directed to deposit the enhanced compensation amount, i.e., **R.13,74,000 /-**, (after deducting the amount already deposited), jointly 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. 937 of 2020 on the file of the Learned Special District Judge, MCOP Tribunal, Salem** 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, the appellants/claimants are at



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liberty to withdraw the same, after following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

05.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn

To

1. The Special District Judge, MCOP Tribunal, Salem
2. The Oriental Insurance Company Limited,
“Divya Twers” Fort Main Road,
Shevapet, Salem District.
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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