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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.2107 of 2025

1. Madeshwaran
2. Selvi

... Appellants

Vs.

1. M/s Bhaarathi Spintex India P Ltd.,
Directors Sakthivel
9, R.S. Road, Pallipalayam,
Agraharam Post, Kumarapalayam Taluk,
Namakkal District.

2. The Oriental Insurance Company Limited,
Branch Office Pallipalayam
G.S. Oorali Complex, Sankari Main Road,
Opp. State Bank of India,
Pallipalayam.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 05.02.2024 made in MCOP No.313 of 2022 on the file of the Learned Special District Judge, MCOP Tribunal Salem.

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



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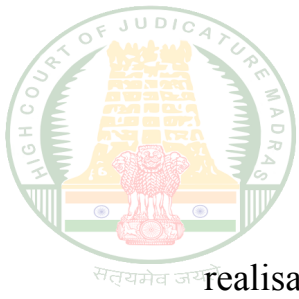
JUDGMENT

The appellants have filed this appeal to enhance the award dated 05.02.2024 made in MCOP No.313 of 2022 on the file of the Learned Special District Judge, MCOP Tribunal Salem.

2. The brief facts of the case of the appellants/claimants are as follows:

On 07.11.2021 at about 9:30 p.m when the deceased was standing in the Salem-Bhavani main road near Sankari Old bus stand, the Eicher Vehicle bearing Registration No.TN-34-V-8910 came in the opposite direction and dashed against the deceased. As a result of which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking compensation a sum of Rs. 30,00,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.9,05,000/- as compensation, directed the first and second respondents to pay the said amount jointly to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of



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realisation.

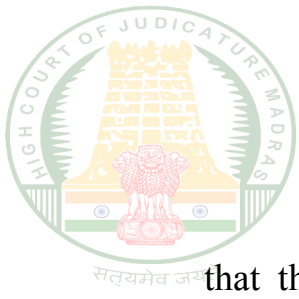
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimant) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.25,000/- as monthly income of the deceased as he was earning Rs.20,000/- per month at the time of accident. 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.

8. On An analysis of the award of the Tribunal would go to show



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that the Tribunal has awarded Rs.84,68,000/- towards loss of income; Rs.40,000/- towards loss of love and affection; Rs.16,500/- towards funeral expenses.

9. Considering the occupation of the deceased, it would be just and appropriate to fix Rs.15,000/- as his monthly income As per the dictum laid down by the Hon'ble Apex Court, 40% is to be added towards future prospects of the deceased and taking note of the age of the deceased the multiplier to be adopted is '14' and $\frac{1}{2}$ of the income is to be deducted towards future prospectus.

Calculation

Monthly Income = Rs.15,000/-

25% Future Prospects = $15,000 + 3,750 = 18,750/-$

After $\frac{1}{2}$ deduction = $18,750 - 9375 = \text{Rs.}9,375/-$

Loss of Income

= Rs. 9,375 x 12 x 14

= Rs.15,75,000/-.



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The amount awarded under the head loss of love and affection is enhanced to Rs.44,000/- each and arrived at Rs.88,000/- Funeral expenses is reduced to Rs.16,500/- and loss of estate is added and Rs.16,500/- is awarded under the said head. The compensation awarded under the other heads are reasonable and does not require interference of this Court.

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	8,40,000/-	15,75,000/-
2.	Loss of Love and Affection consortium	40,000/-	88,000/-
3.	Funeral expenses	25,000/-	16,500/-
4.	Loss of estate	-Nil-	16,500/-
	Total	Rs.9,05,000/-	Rs.16,96,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.9,05,000/- to Rs.16,96,000/-**, which shall carry interest at the rate of 7.5% per annum.



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11. In the result:

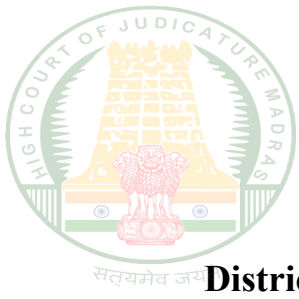
i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.9,05,000/- to Rs.16,96,000/-**.

iii. The appellants/claimants are 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 appellants/claimants are 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 second respondents are directed to deposit the enhanced compensation amount, i.e., **Rs.16,96,000/-**, (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 **MCOP No.313 of 2022 on the file of the Learned Special**



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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 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

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Namakkal District.

3. The Oriental Insurance Company Limited,
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G.S. Oorali Complex, Sankari Main Road,
Opp. State Bank of India, Pallipalayam.

3. The Section Officer, V.R. Section, High Court of Madras.

7 of 8



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T.V.THAMILSELVI, J.

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