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C.M.A.No.2878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.2878 of 2025

1.Kolanji
2.Lakshmanan

... Appellants

vs.

1.Senthilkumar

2.United India Insurance Company Limited,
Branch Office III, Sri Sai Kamatchi Complex,
First floor, Opp.Government Arts College,
Cherry Road, Salem District.
Having TP HUB at 104-A,
Ranga Buildings, Peramanur Main Road,
Near Four Roads, Salem District.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Award dated 01.03.2023 made in M.C.O.P.No.1190 of 2021 on the file of the learned Special District Judge, MCOP Tribunal, Salem.

For Appellant : Mr.S.Ram Prabhu

For Respondents : Mr.D.Venkatachalam [R2]

Notice Dispensed with for R1

JUDGMENT

The claimants herein have preferred this Civil Miscellaneous Appeal for enhancement of compensation granted on 01.03.2023 made in M.C.O.P.No.1190 of 2021 by the Special District Court [to deal with MCOP cases], Salem.



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2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The legal representatives of the deceased Deebanraj had filed the claim petition under Section 166 of Motor Vehicles Act, 1988 claiming compensation of Rs.50,00,000/- for the death of the son of the claimants who died in a road traffic accident that occurred on 03.08.2021.

4. The Tribunal upon consideration of entire case records and after hearing the arguments advanced by either side, passed an Award for a sum of Rs.9,29,000/- with 7.5% interest per annum from the date of claim petition.

5. The manner in which the accident occurred is not in dispute.

6. The learned counsel for the appellants would argue that the notional income fixed by the Tribunal and for loss of consortium, the amount awarded by the Tribunal are inadequate.



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7. Per contra, the learned counsel for the 2nd respondent/Insurance Company would contend that as per the age, avocation and other attending circumstances, the amounts granted by the Tribunal under various heads are reasonable and hence it does not warrant any interference by this Court.

8. It is the evidence of PW1 that the deceased was working as marine engine fitter and earning a sum of Rs.35,000/- p.m., in marine services Chennai at the relevant point of time. To substantiate the same, no document was marked by the claimants. Ex.P10 is the copy of Transfer Certificate and Ex.P11 is copy of Vocational Training Certificate. Date of accident is 03.08.2021. In consideration of the above said details, his salary is fixed as Rs.15,000/-. As per Ex.P10 - copy of the Transfer Certificate, and Ex.P11 - copy of Vocational Training Certificate, age of the deceased is taken as 21 years.

9. As per the law laid down by the Hon'ble Supreme Court in ***Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another*** reported in ***2009 (2) TN MAC 1 (SC)***, as the age of the deceased is 21 years, and the relevant multiplier to be selected is 18m. In the matter



of deduction for personal and living expenses, the deceased died as a bachelor, then 50% has to be deducted.

10. The Hon'ble Supreme Court has standardised the details of future prospects in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in ***2017 (2) TN MAC 609(SC)***, for the persons who are below 40 years and not in permanent job, then 40% is to be added as future prospects while computing the monthly income of the deceased.

11. In consideration of the above said details, following formula emerges for computation of loss of dependency:

$$\text{Rs.15,000/-} + 40\% - \frac{1}{2} \times 12 \times 18 = \text{Rs.22,68,000/-}.$$

12. As regards, loss of consortium an amount of Rs.40,000/- is granted in addition to the amount already granted by the Tribunal. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and therefore needs no interference by this Court. Therefore, the Compensation awarded by the Tribunal is reworked and tabulated below:



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Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Income	Rs. 8,64,000/-	Rs.22,68,000/-	Enhanced
2	For Loss of Love and Affection	Rs. 40,000/-	Rs. 80,000/-	Enhanced
3	For Funeral Expenses	Rs. 25,000/-	Rs. 25,000/-	Confirmed
	Total	Rs. 9,29,000/-	Rs.23,73,000/-	

13. Thus, the compensation awarded by the Tribunal is enhanced from Rs.9,29,000/- to **Rs.23,73,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

14. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.9,29,000/- to **Rs.23,73,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.23,73,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition



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(excluding the period of default, if any) to the credit of M.C.O.P.No.1190

of 2021 on the file before the Motor Accident Claims Tribunal, Special District Judge, MCOP Tribunal, Salem, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellants/claimants are at liberty to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimants are directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

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Index : Yes/No
Speaking / Non-speaking order
ssn



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To:

1. The Motor Accident Claims Tribunal,
Special District Judge, MCOP Tribunal,
Salem.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

ssn

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