



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1929 of 2025

M.Rajendran (since Deceased),

1.R.Jothi

W/o.Late M.Rajendran, No.20/25,
Namasivayam Street, Old
Washermenpet, Chennai - 600 021.

2. G.Sasikala

W/o.Gopinath, No.20/25,
Namasivayam Street, Old
Washermenpet, Chennai - 600 021.

3. R.Rajkamal

S/o.Late M.Rajendran, No.20/25,
Namasivayam Street, Old
Washermenpet, Chennai - 600 021.

Appellant(s)

Vs

1. M/s.N.N.ENTERPRISES

1st Floor, Sri Ganesa Tower, 36
Perumal Mudali Street, Anna Salai,
Chennai - 600 002.



2. The Manager

Royal Sundaram General Insurance

Co.Ltd., No.1 Subramaniam Building

Club House Road, Anna Salai, Chennai

- 600 026.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation in MCOP.No.3435 of 2019, dated 16.04.2025, on the file of the Motor Accidents Claims Tribunal / II Court of Small Causes, Chennai.

For Appellant(s): Ms.Ramya V. Rao

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

JUDGEMENT

The appellants have filed this appeal, to enhance the compensation in MCOP.No.3435 of 2019, dated 16.04.2025, on the file of the Motor Accidents Claims Tribunal / II Court of Small Causes, Chennai.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.26,000/- 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).

3. 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.

4. The learned counsel for the appellant challenges the award passed by the Tribunal, stating that the Tribunal failed to properly consider the injuries sustained by the claimant and the resulting disability. Hence, the appellant prays for enhancement of compensation.

5. The learned counsel for the respondent, however, submitted that there were no medical documents produced on the side of the claimant to prove that he had undergone continuous treatment or that the injuries were sustained in the said accident. It is admitted that the claimant did not produce any medical records showing continuous treatment for nearly one year after the date of the accident before the Tribunal.



6. Therefore, though the objection with regard to the award passed by the Tribunal is considered as a vital issue, the award requires modification only in respect of the quantum of compensation.

7. At the time of accident, the deceased was working as an Office Assistant at Tablet India Ltd., earning a sum of Rs.15,000/- per month. However, no documentary evidence was adduced by the claimants to substantiate their contention that the deceased was earning Rs.15,000/- per month as stated in the claim petition. It is seen that at the time of the accident, the deceased was aged about 56years. The accident occurred in the year 2019. Considering the cost of living and the nature of work during the relevant period, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.15,000/- would meet the ends of justice. The deceased passed away one year after the date of accident. Therefore this Court is incline to award under the head of “loss of income” for 12 month, which comes to Rs.1,80,000/- ($\text{Rs.15,000} \times 12 = 1,80,000/-$). Additionally, the amount awarded by the Tribunal under the heads of Transportation, Extra nourishment, and Attender



charges are enhanced to Rs.15,000/-, Rs.30,000/- and Rs.50,000/- respectively.

The compensation awarded by the Tribunal under the other heads is confirmed.

8. 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.	Transportation	10,000	15,000
2.	Extra Nourishment	10,000	30,000
3.	Attender charges	5,000	50,000
4.	Damages to cloth	1,000	1,000
5.	Loss of Income		1,80,000
	Total	26,000	2,76,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs.26,000/- to Rs.2,76,000/-, which shall carry interest at the rate of 7.5% per annum.

9. 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.26,000/- to Rs.2,76,000/-.

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.

iv. The 2nd respondent, Insurance Company, is directed to deposit the enhanced compensation amount, i.e., Rs. 2,76,000/- (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.3435 of 2019, on the file of the Motor Accidents Claims Tribunal / II Court of Small Causes, 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/ Insurance company, the appellants / claimants are at liberty to withdraw their shares as per the apportionment made by the Tribunal, 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.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1.The Motor Accidents Claims Tribunal
/ II Court of Small Causes, Chennai.

2.The Manager
Royal Sundaram General Insurance
Co.Ltd., No.1 Subramaniam Building
Club House Road, Anna Salai, Chennai
- 600 026.

3.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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