



C.M.A.No.2035 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2035 of 2025

1.Mrs.Kokila

2.David

3.Jenifer

...Appellants

Vs.

1.Baycity Homes,

No.18/66, 2nd Street, Karpagam

R.A.Puram, Raja Annamalaipuram,

Chennai – 600 028.

2.ICICI Lambard General Insurance Co. Ltd.,

No.84/85, 1st Floor, Arihant Plaza,

Wall Tax Road,

Chennai – 600 003.

(2nd respondent amended vide Court order

dated 31.07.2025 made in C.M.P.No.18472 of 2025

in C.M.A.No.2035 of 2025 by this Court)

...Respondents



C.M.A.No.2035 of 2025

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Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award dated 29.10.2024 in M.C.O.P.No.6019 of 2019 on the file of the MACT/Chief Court, Small Causes Court at Chennai.

For Appellants : Mr.A.Sathish Kumar

For Respondents : Mrs.R.Sree vidhya for R2

JUDGMENT

This appeal is filed by the appellants challenging the Award dated 29.10.2024 in M.C.O.P.No.6019 of 2019 on the file of the Motor Accident Claims Tribunal/Chief Judge, Court of Small Causes, Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioners are the claimants, the first respondent is the owner of the vehicle and the second respondent is the Insurance Company before the Tribunal.



C.M.A.No.2035 of 2025

WEB COPY

4.The brief facts of the case are as follows:

On 28.10.2019 at about 22.30 hours, when the petitioner was a pedestrian at Tejas Apartment No.16, Poes Garden, he was hit by a car bearing Registration No.TN 06 R 8598. Due to the accident, the petitioner sustained grievous injuries and died on the spot. The petitioners filed a claim petition before the Tribunal in M.C.O.P.No.6019 of 2019, the Tribunal awarded a sum of Rs.13,48,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellants submitted that the appellant was working as a Personal Assistant and earning Rs.25,000/- per month but the Tribunal fixed the notional income of the appellant at Rs.15,000/- is not sustainable and the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent raised objection for allowing this appeal submitted that without income proof, the Tribunal fixed Rs.15,000/- per month as notional income of the



C.M.A.No.2035 of 2025

deceased, the compensation awarded by the Tribunal is reasonable and no interference is required by this Court. Hence, she prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellants, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the first petitioner was examined as PW1, Mr.Amirthalingam, an eye witness to the accident was examined as PW2 and on the side of the petitioners, 14 documents were marked as Exs.P1 to P14. On the side of the respondents, Mr.D.Selvakumar, SSI, Teynampet was examined as RW1, Mr.S.Prabhu was examined as RW2 and 11 documents were marked as Exs.R1 to R11.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.11,88,000/- for loss of income/dependency, Rs.15,000/- for loss of estate, Rs.1,20,000/- for loss of consortium,



C.M.A.No.2035 of 2025

WEB COPY

Rs.15,000/- for funeral expenses, Rs.10,000/- for transportation charges including damages to personal belongings and arrived at a total compensation of Rs.13,48,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 58 years and was working as a Personal Assistant to JFL in Vastrakala Exports Boes Garden at the time of the accident.

11.The amount awarded under various heads, in the opinion of this Court is just and reasonable and the same is confirmed except the amount awarded under the head loss of income/dependency, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said head. Accordingly, the amount awarded under the head loss of income/dependency is enhanced to Rs.13,46,400/- from Rs.11,88,000/-.



C.M.A.No.2035 of 2025

WEB COPY

12.Considering the fact that the appellant died in the accident and the submission made by the learned counsel for the appellants, this Court is inclined to fix Rs.17,000/- as notional income of the deceased, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Loss of Income/ dependency	11,88,000/-	13,46,400/-
2	Loss of estate	15,000/-	15,000/-
3	Loss of consortium	1,20,000/-	80,000/-
4	Funeral expenses	15,000/-	15,000/-
5	Transportation charges including damages to personal belongings	10,000/-	10,000/-
	Total	13,48,000/-	15,06,400/-

13.The appellants/claimants are entitled to total compensation of Rs.15,06,400/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



C.M.A.No.2035 of 2025

WEB COPY

14.The judgment and decree passed by the Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes), Chennai in M.C.O.P.No.6019 of 2019 dated 29.10.2024 is modified to the above extent.

15.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount, before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellants/claimants are permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

16.The appellants/claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellants/claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai shall disburse the enhanced amount



C.M.A.No.2035 of 2025

WEB COPY

upon production of certified copy showing proof of payment of Court fee
by the appellants/claimants.

17.The Civil Miscellaneous Appeal is partly allowed with the
above terms. No costs.

11.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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C.M.A.No.2035 of 2025

WEB COPY

To

- 1.The Motor Accidents Claims Tribunal,
(Chief Judge, Court of Small Causes), Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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C.M.A.No.2035 of 2025

T.V.THAMILSELVI, J.
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C.M.A.No.2035 of 2025

11.08.2025