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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1889 of 2025

1. R. Samundeeswari
2. P. Raman

... Appellants

Vs.

1. K. Jayaraman

2.Liberty General Insurance co. Ltd.,
C6,D6,E6,F6 Level V, Ammol palani,
No.88, G.N. Chetty Road, T. Nagar,
Chennai – 600 017.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in M.C.O.P.No.3971 of 2021 dated 10.01.2025 on the file of the Motor Accidents Claims Tribunal/ IISpecial Court of Small causes, Chennai .

For Appellant : Mr.Ramya V. Rao

For Respondent-2 : Ms.C. Harini
for M/s Gopalan Associates



JUDGMENT

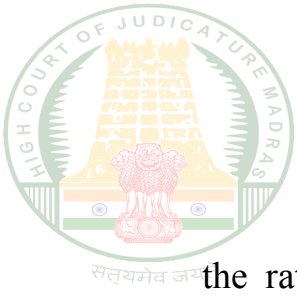
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The appellant had filed this appeal to allow the appeal and enhance the compensation in M.C.O.P.No.3971 of 2021 dated 10.01.2025 on the file of the Motor Accidents Claims Tribunal/II Special Court of Small causes, Chennai . .

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

On 15.08.2021 at about 10:45 hours when the deceased was proceeding as a pillion rider in a Motor cycle bearing Registration No. Tn05-BW-8733 at Chennai to Trichy NH No.1, Tolgate Lalgudi, the rider of the motor cycles drove the vehicle in a rash and negligent manner and dashed against a unknown car. Due to which the deceased sustained injuries and succumbed to injuries. Hence, the parents of the deceased filed a claim petition before the Tribunal seeking compensation for a sum of Rs.40,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.23,78,000/- as compensation and directed the first and second respondents to pay the said amount to the appellants along with interest at



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the rate of 7.5% per annum from the date of petition till the date of realisation.

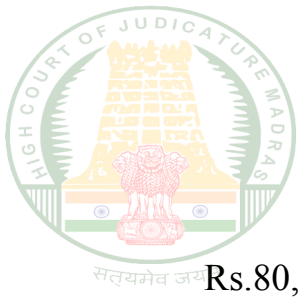
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.15,000/- as notional income of the deceased as he was earning more than 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 that the Tribunal has awarded Rs.22,68,000/- towards loss of dependency;



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Rs.80,000/- towards loss of parental consortium; Rs.15,000/- each towards loss of estate and funeral expenses.

9. Considering the occupation of the deceased , it would be just and appropriate to fix Rs.20,000/- as his monthly income. As per the dictum laid down by the Hon'ble Apex Court 1/2 of the income is deducted for the purpose of computing the dependency compensation and considering the age of the deceased the multiplier to be adopted is '18'

Calculation

Monthly Income = Rs.20,000/-

Future prospectus = Rs. 28,000/- (Rs.20,000/- x 40/100)

After 1/2 deduction = 28,000 – 14,000 = Rs.14,000/-

Loss of dependency

= Rs.14,000 x 12 x 18

= Rs.30,24,000/-. Loss of Estate and Funeral expenses is enhanced to Rs.16,500/- each. The amount 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



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various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of dependency	Rs.22,68,000/-	Rs.30,24,000/-
2.	Parental Consortium	Rs.80,000/-	Rs.80,000/-
3.	Loss of estate	Rs.15,000/-	Rs.16,500/-
4	Funeral Expenses	Rs.15,000/-	Rs.16,500/-
	Total	Rs.23,78,000/-	Rs.31,37,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.23,78,000/-to Rs.31,37,000/-** which shall carry interest at the rate of 7.5% per annum.

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.23,78,000/-to Rs.31,37,000/-**.

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.



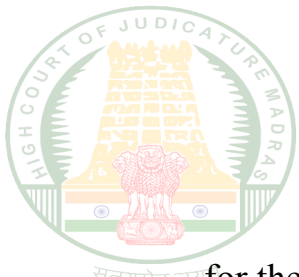
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iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The first and second respondents are directed to deposit the enhanced compensation amount, i.e., **Rs.31,37,000/-** jointly (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.3971 of 2021 dated 10.01.2025 on the file of the Motor Accidents Claims Tribunal/ Special 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, the appellants/claimants are at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal 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.

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25.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

smn

To

1. The Motor Accidents Claims Tribunal/ Special Court of Small causes,
Chennai ..

2. .Liberty General Insurance co. Ltd.,
C6,D6,E6,F6 Level V, Ammol palani,
No.88, G.N. Chetty Road, T. Nagar,
Chennai – 600 017.

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

T.V.THAMILSELVI, J.

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