



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2095 of 2023

1. Mani

S/O.Vaithiyalingam, No.150, South
Street, Pillaipalayam, Kollapuram Post,
Udayarpalayam TK, Ariyalur DT.

Umarani (died)

2. Rama

W/O. Manikandan, No.13,
Thkkankulam West Bank,
Mayiladuthurai, Mayiladuthurai TK,
Nagapattinam District - 609001.

3. Rathika

W/O. Gopalakrishnan, No.8, Old
Colony, Mangalampettai,
Virythachalam TK, Cuddalore DT-
606001.

4. Minor Chandru

s/o late Umarani, Rep by the next
friend/Guardian, Grandfather Mani
No.150, South Street, Pillaipalayam,
Kollapuram post, Udayarpalayam
Taluk, Ariyalur District



5. Minor Santhiya
d/o late Umarani, Rep by the next
friend/Guardian, Grandfather Mani,
No.150, South Street, Pillaipalayam,
Kollapuram post, Udayarpalayam
Taluk, Ariyalur District

(Cause title accepted vide court order dated 21.08.2022 made in CMP.No.16530
of 2023 in CMA.SR.No.102688 of 2022, by SMJ.)

Appellant(s)

Vs

1. Sathish
S/O. Sigamani, No.99,
Periyavannankuppam, Periyapalayam,
Uthukottai TK, Thiruvallur District.

2. Reliance General Insurance Co.Ltd
II Floor, No.12, H2035, 15th Main
Road, Annanagar West, Chennai.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the judgement and award of the Motor Accident Claims Tribunal (Principal District and Sessions Court) Ariyalur in MCOP No.61 of 2019 dated 14-06-2022.

For Appellant(s): Mr.P.Parthikannan

For Respondent(s): R-1 - No Appearance
Mr.P.Suresh Srinivasan For R2



JUDGMENT

The appellants have filed this appeal, to set aside the judgment and award of the Motor Accident Claims Tribunal (Principal District and Sessions Court) Ariyalur in MCOP No.61 of 2019 dated 14-06-2022.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 8,82,300/- 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 appellants submitted that the deceased was



a working as Rod fitting mason, painting and agriculture and earning Rs.22,000/- per month. However, the Tribunal erroneously considered only income of Rs. 7,500/-. He therefore, prayed for enhancement of compensation.

5. On the other hand, the learned counsel appearing for the 2nd 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.

6. The deceased was working as as Rod fitting mason, painting and agriculture and earning R.22,000/- per month. However, no documentary evidence was adduced by the claimants to substantiate their claim that the deceased was earning a sum of Rs.22,000/- per month as mentioned in their claim petition. In the circumstances, 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.



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7. As per the decision of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi and Others*, reported in 2017 (2) TN MAC 601, 40% is to be added to the income towards future prospects. The deceased died as a bachelor and hence, 50% is deducted towards his personal expenses. The deceased was aged 29 years at the time of the accident. As per the decision rendered in *Sarla Verma and Others v. Delhi Transport Corporation and Another*, reported in (2009) 6 SCC 121, the appropriate multiplier is 16. Additionally, the amount awarded by the Tribunal under the heads of Love and affection is enhanced to Rs.40,000 x 3 = Rs.1,20,000/-. In addition to that, the claimants are also entitled to Rs.15,000 towards "Loss of Estate". The accident mainly occurred due to the rash and negligent driving of the van driver. Therefore, the contributory negligence of 15% fixed by the Tribunal on the deceased, is modified to 10%, accordingly.

8. Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000/-

After 1/2 deduction = 21,000 - 10,500 = Rs.10,500/-



Loss of dependency

= Rs.10,500 x 12m x 16

= Rs.20,16,000/-

9. 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	10,08,000	20,16,000
2.	Loss of love and affection	15,000	1,20,000
3.	Funeral expenses	15,000	15,000
4.	Loss of estate	-	15,000
	Total	10,38,000	21,66,000
	Less contributory negligence	1,55,700	2,16,600
	Total	8,82,300	19,49,400

Thus, the compensation awarded by the Tribunal is enhanced from Rs.8,82,300/- to Rs.19,49,400/-, which shall carry interest at the rate of 7.5% per annum.



10. 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.8,82,300/- to Rs.19,49,400/-.
- 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.19,49,400/- (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. 61 of 2019 on the file of Motor Accident Claims Tribunal (Principal District and Sessions Court), Ariyalur, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

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v. On such deposit being made by the 2nd respondent/ Insurance company, the appellants 1 to 3 / claimants 1, 3 & 4 are at liberty to withdraw their share as per the apportionment made by the Tribunal. The share of the appellants 4 and 5, being minors and legal heirs of 2nd claimant / Umarani, represented by their grandfather Mani / 1st appellant, be deposited in any one of the Nationalized Banks under a Fixed Deposit Scheme initially **for a period of three years** which shall be renewed periodically until they attain majority, and permitted to withdraw the interest accrued thereon **once in three months**, and the same shall be utilized for the welfare of the minor appellants 4 and 5.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

29-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.Sathish

S/O. Sigamani, No.99,
Periyavannankuppam, Periyapalayam,
Uthukottai TK, Thiruvallur District.

2.Reliance General Insurance Co.Ltd
II Floor, No.12, H2035, 15th Main
Road, Annanagar West, Chennai.

3.The Motor Accident Claims Tribunal
(Principal District and Sessions Court),
Ariyalur.

4.The Section Officer, VR-section,
High Court of Madras, Chennai.



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