



C.M.A.No.2680 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.No.2680 of 2025

1.Praveenkumar
2.Pradeep Kumar (Minor) rep. by hisst
brother, 1 petitioner as Natural Guardian and
Next Friend.
3.Bhagyamma
4.Gangaiah ... Appellants

VS.

1.Boya Kesalu
2.The Oriental Insurance Company Limited,
nd
Oriental House, 2 Floor,
Old No.115, New No.216, Prakasam Road,
Broadway, Chennai – 600 018. ...
Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the amount awarded in MCOP No.7885 of 2018 dated 28.03.2022 on the file of the Motor Accident Claims Tribunal, (In the II Court of Small Causes, Chennai).

For Appellants : Mr.K.Varadhakamaraj
For Respondents : Mr.J.Chandran for R2



C.M.A.No.2680 of 2025

WEB COPY

J U D G M E N T

Not being satisfied with the Award passed in M.C.O.P.No.7885 of 2018 dated 28.03.2022 on the file of the the Motor Accident Claims Tribunal, (In the II Court of Small Causes, Chennai), the legal heirs of one Gangadhar have filed this Civil Miscellaneous Appeal for enhancement of compensation.

2. By consent, this civil miscellaneous appeal is taken up for final disposal at the admission stage itself.

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

4. Heard the arguments of the learned counsel for the appellant and learned counsel for the second respondent. Perused the relevant records.

5.The claim petition was filed under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.45,00,000/- for the death of one Gangadhar, who succumbed to the injuries in a road traffic accident that took place on 02.12.2018.



C.M.A.No.2680 of 2025

6. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.24,38,000/- with interest at the rate of 7.5% per annum from the date of claim petition and the amounts granted under various heads are given hereunder:-

“Towards loss of dependency Rs.23,62,500/-, towards loss of estate Rs.15,000/-, towards loss of love and affection Rs.44,000/-, towards funeral expenses Rs.16,500/-, totally a sum of Rs.24,38,000/- is granted.”

7. The learned counsel for the appellants/claimants strenuously argued that the deceased was working as a driver in the Government of Kuwait and earning a sum of Rs.35,000/- per month, but the Tribunal had fixed the monthly income at Rs.15,000/-, which is inadequate, and therefore sought for enhancement of compensation.

8. Per contra, the learned counsel for the second respondent/Insurance Company submitted that no proof was produced to show that the deceased was working in Kuwait and no other concrete evidence was marked. Therefore, the Tribunal fixed the notional monthly income of the deceased at Rs.15,000/-, which is reasonable. He further argued that, taking into account the age, avocation of the deceased, and

3/9



C.M.A.No.2680 of 2025

other relevant details, the amount awarded by the Tribunal appears to be reasonable and sought confirmation of the quantum of compensation granted by the Tribunal.

9. It has come on record through the evidence of P.W.1, Praveenkumar, that the deceased, who was his father, was working in a private agency in Kuwait and earning a sum of Rs.35,000/- per month. Ex.P.4 is the passport of the deceased, which reflects that he had visited Kuwait. Ex.P.5 is the driving licence of the deceased issued by the Government of Kuwait. However, no document has been marked to establish the proof of income of the deceased at the relevant point of time. The date of the accident is 02.12.2018. As per Ex.P.4 (Passport), the age of the deceased at the relevant point of time is taken as 44 years. Though no concrete evidence, such as Bank Passbook or pay slip, was produced, this Court, considering the above details, deems it fit to fix the monthly income of the deceased at Rs.18,000/-.

10. As held by the Hon'ble Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (2) TN MAC 609 (SC)***, 25% of



C.M.A.No.2680 of 2025

the income is to be added towards future prospects while computing the loss

of dependency. Further, as held in **Sarla Verma and others v. Delhi**

Transport Corporation and another, 2009 (2) TN MAC 1 (SC), the

appropriate multiplier to be adopted is 14m. It is also noted that, since the

claimants are four in number, 1/4th of the income has to be deducted

towards personal and living expenses while computing the loss of

dependency. Based on the aforesaid details, for computing loss of

dependency, the following formula emerges:

$$\text{Rs.18,000/-} + 25\% - 1/4 \times 12 \times 14\text{m} = \text{Rs.28,35,000/-}$$

11. It appears that the Tribunal has awarded a sum of Rs.44,000/-

towards loss of love and affection. In terms of the principles laid down by

the Hon'ble Supreme Court in **National Insurance Co. Ltd. v. Pranay**

Sethi and others, 2017 (2) TN MAC 609 (SC), a sum of Rs.40,000/- is to

be awarded to each claimant under this head. Hence, this Court deems fit to

grant a sum of Rs.1,16,000/- as addition under the said head. As regards the

amounts awarded under the other heads, they appear to be reasonable and

require no interference. The compensation, as modified in the light of the

above findings, is reworked and tabulated as under:



C.M.A.No.2680 of 2025

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs.23,62,500/-	Rs.28,35,000/-	Enhanced
2	For Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
3	For Loss of Love and Affection	Rs.44,000/-	Rs.1,60,000/-	Enhanced
4	For Funeral Expenses	Rs.16,500/-	Rs.16,500/-	Confirmed
	Total	Rs.24,38,000/-	Rs.30,26,500/-	Enhanced

12. Thus, the compensation awarded by the Tribunal is enhanced from Rs.24,38,000/- to Rs.30,26,500/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

13. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.24,38,000/- to Rs.30,26,500/-.

(iii) The first claimant is entitled to get a sum of Rs.8,26,500/-, the



C.M.A.No.2680 of 2025

second claimant is entitled to get to Rs.18,00,000/- and the third and fourth claimants are entitled to get a sum of Rs.2,00,000/- each.

(iv) The Insurance Company/second respondent is directed to deposit the enhanced compensation amount determined by this Court, i.e., Rs.30,26,500/- (less the amount already deposited, if any), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, excluding the period of delay, and with costs, to the credit of MCOP No.7885 of 2018 on the file of the Motor Accident Claims Tribunal (II Court of Small Causes, Chennai), within a period of six weeks from the date of receipt of a copy of this Judgment.

(v) On such deposit being made, the claimants are permitted to withdraw their share amount, along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(vi) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vii) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected Civil Miscellaneous Petition, if any stands closed.

18.12.2025



C.M.A.No.2680 of 2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
skn

To

1. The Motor Accident Claims Tribunal,
(In the II Court of Small Causes, Chennai).
- 2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.No.2680 of 2025

R.KALAIMATHI,J.,

skn

C.M.A.No.2680 of 2025

18.12.2025