IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.No.2693 of 2025

1.Praveenkumar

2.Pradeep Kumar (Minor) rep. by his brother, 1st petitioner as Natural Guardian and Next Friend. ... Appellants

vs.

1.Boya Kesalu

2.The Oriental Insurance Company Limited,
Oriental House, 2nd 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.7892 of 2018 dated 28.03.2022 on the file of the Motor Accident Claims Tribunal / II Court of Small Causes, Chennai.

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

JUDGMENT

Not being satisfied with the Award passed in M.C.O.P.No.7892 of 2018 dated 28.03.2022 on the file of the Motor Accident Claims Tribunal / II Court of Small Causes, Chennai, the sons of one Vijaya 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.40,00,000/- for the death of one Vijaya, who succumbed to the injuries in a road traffic accident that took place on 02.12.2018.

6. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.14,75,501/- 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.14,00,001/-, 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.14,75,501/- is granted."*

7. The learned counsel for the appellants/claimants strenuously contended that, as per the post-mortem certificate (Ex.P7), the age of the deceased is taken as 40 years, whereas the death certificate reflects the fact that her age as 36 years. Despite this discrepancy, the Tribunal erroneously fixed the age of the deceased as 40 years and applied multiplier of 14, which is incorrect. He further submitted that 40% of the income ought to have been added towards future prospects while computing the loss of dependency. It was also argued that the notional monthly income of the deceased, fixed at Rs.10,000/-, is inadequate, and that the amount awarded towards loss of love and affection is insufficient. Hence, the claimants sought for enhancement of compensation.

8. Per contra, the learned counsel for the second respondent/Insurance Company submitted that, considering the age and avocation of the deceased, the amounts awarded under the various heads by the Tribunal are reasonable and justified, and therefore do not warrant any interference by this Court.

9. It has come on record through the evidence of P.W.1, Praveenkumar, that the deceased was working as tailor and earning a sum of Rs.15,000/- per month. To substantiate the same, no document is marked. As regards the age of the deceased, as per the postmortem certificate it reflects the age of the deceased as 35 years, whereas as per the Ex.P.8 death certificate of the deceased, her age is 36 years at the relevant point of time.

10. In the claim petition, the age of the deceased is mentioned as 40 years. As per the claim petition, the age of the deceased has been taken as 40 years at the relevant point of time. The date of accident is 02.12.2018. In consideration of the above stated details, the notional income of the deceased is taken as Rs.13,000/- per month.

11. As held by the Hon'ble Supreme Court in ***National Insurance***

Co. Ltd. v. Pranay Sethi and others, 2017 (2) TN MAC 609 (SC), standard addition towards future prospects is required while computing loss of dependency. Therefore, based on the age of the deceased 25% of 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 relevant multiplier to be adopted is 15m. It is also noted that, since the claimants are two in number, 1/3 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:

Rs.13,000/- +25%-1/3 x 12 x 15m = Rs.19,50,120/-

12. 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 grants a sum of Rs.36,000/- as addition under the said head. As regards the amounts awarded under 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:

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.14,00,001/-	Rs.19,50,120/-	Enhanced
2	For Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
3	For Loss of Love and Affection	Rs.44,000/-	Rs.80,000/-	Enhanced
4	For Funeral Expenses	Rs.16,500/-	Rs.16,500/-	Confirmed
	Total	Rs.14,75,501/-	Rs.20,61,620/-	Enhanced
	Rounded off	-	Rs.20,62,000/-	

13. Thus, the compensation awarded by the Tribunal is enhanced from Rs.14,75,501/- to Rs.20,62,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

14. 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.14,75,501/- to Rs.20,62,000/-.

(iii) The first claimant is entitled to get a sum of Rs.8,62,000/-, the second claimant is entitled to get to Rs.12,00,000/-.

(iv) The Insurance Company/second respondent is directed to deposit the enhanced compensation amount determined by this Court, i.e., Rs.20,62,000/- (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. 7892 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

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.

R.KALAIMATHI,J.

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