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C.M.A.No.2738 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.2738 of 2025

1.Bhagyamma

2.Gangaiah

... 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.7894 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



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J U D G M E N T

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Not being satisfied with the award passed in M.C.O.P.No.7894 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 parents/legal heirs of one Prasannakumar, have filed this Civil Miscellaneous Appeal for enhancement of compensation.

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

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

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

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 Prasannakumar, who succumbed to the injuries in a road traffic accident that took place on 02.12.2018.



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6. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.22,93,100/- 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.22,17,600/-; 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.22,93,100/- is granted.”

7. The learned counsel for the appellants/claimants would strenuously contend that the claimants are the parents of the deceased, but the Tribunal deducted 1/3 towards the deceased's personal and living expenses, which is erroneous. He further submitted that the deceased was employed as a driver and was earning Rs.18,000/- per month, but the Tribunal had incorrectly fixed his notional income at only Rs.11,000/- per month. It is also argued that the claimants, being only two in number, the father and mother of the deceased, are entitled to a higher amount under the head of loss of love and affection, whereas the Tribunal has awarded only Rs.44,000/-, which is inadequate and sought for enhancement of compensation.



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8. The learned counsel for the second respondent/Insurance Company submitted that, taking into account the age and avocation of the deceased and the number of claimants, the Tribunal has awarded a total compensation of Rs.22,93,100/- under various heads in a fair and reasonable manner. Therefore, according to the Insurance Company, the award does not call for any interference by this Court.

9. It has come on record through the evidence of P.W.1 that the deceased, Prasannakumar, was employed as a driver with Safe Trans, Tiruppathi, and was earning Rs.18,000/- per month. Ex.P14, the driving licence of the deceased, has been marked, but no other documentary evidence has been produced to substantiate the claimed income. The accident occurred on 02.12.2018. Based on Ex.P14, the age of the deceased is taken as 24 years. In view of the above factors, this Court deems fit to fix the monthly income of the deceased at Rs.15,000/-.

10. In terms of the law laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (2) TN MAC 609 (SC)**, an addition towards future prospects is to be added while



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computing loss of dependency. Since the deceased was below 40 years of age and was not in permanent employment, 40% of the income is to be added towards future prospects. As held in **Sarla Verma and others v. Delhi Transport Corporation and another, 2009 (2) TN MAC 1 (SC)**, the appropriate multiplier for a person aged below 40 years is '18' m. It is also noted that the deceased's wife, Mariammal, and his 1½-year-old minor child, Prajval Kumar, died in the same accident. Hence, 1/4 of the income has to be deducted towards the deceased's personal and living expenses. Based on the aforesaid details, for computing loss of dependency, the following formula emerges:

$$\text{Rs.15,000/-} + 40\% - 1/4 \times 12 \times 18\text{m} = \text{Rs.34,02,000/-}$$

11. It appears that the Tribunal has awarded a sum of Rs.44,000/- towards loss of love and affection. The claimants in the present case are the father and mother of the deceased. 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 awarded in addition to the amounts awarded by the Tribunal under this head. As regards the amounts awarded under the other heads, they appear to be reasonable and require no interference. The compensation, as modified in



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the light of the above findings, is reworked and tabulated as under:

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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.22,17,600/-	Rs.34,02,000/-	Enhanced
2	For Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
3	For Loss of Love and Affection	Rs.44,000/-	Rs.80,000/-	Enhanced
4	For Funeral Expenses	Rs.16,500/-	Rs.16,500/-	Confirmed
	Total	Rs.22,93,100/-	Rs.35,13,500/-	Enhanced

12. Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,93,100/- to Rs.35,13,500/- 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.



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(ii) The compensation awarded by the Tribunal is enhanced from Rs.22,93,100/- to Rs.35,13,500/-.

(iii) The first claimant/mother is entitled to get a sum of Rs.18,13,500/- and the second claimant/father is entitled to get a sum of Rs.17,00,000/-.

(iv) The Insurance Company/second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.35,13,500/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of MCOP No.7894 of 2018 on the file of the Motor Accident Claims Tribunal, (In the 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.



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(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.



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R.KALAIMATHI,J.,

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