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C.M.A.No.3107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.3107 of 2025

1.Sumathi
2.Meera
3.Prabhu
4.Karthiga
5.Janagi

... Appellants / Petitioners

vs.

1.Arunagiri
2.United India Insurance Limited,
96-B, K.T.Complex, New Scheme Road,
Pollachi, Coimbatore District.
3.Sarfadheen
4.The Managing Director,
VRL Logistics Limited,
Near R.V.Engineering College,
Mysore Road,
Bangalore.
5.United India Insurance Limited,
D.O.I.,(240300), Hubli,
Karnataka State.

... Respondents / Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree in M.C.O.P.No.1272 of 2019 dated 01.06.2022 on the file of the Motor Accident Claims Tribunal / Special District Judge, Salem.

For Appellants : Mr.R.Navaneetha Krishnan

For Respondents : Mr.R.Rajesh [R2 & R5]



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JUDGMENT

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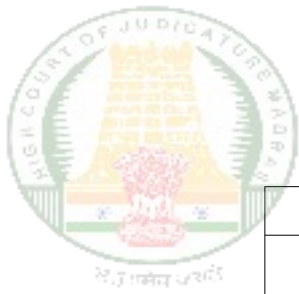
Legal representatives of Suresh have preferred this Civil Miscellaneous Appeal against the Award dated 01.06.2022 made in M.C.O.P.No.1272 of 2019 on the file of the Motor Accident Claims Tribunal / Special District Court(to deal with M.C.O.P.cases), Salem.

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

3. The legal representatives of the deceased Suresh had filed the claim petition under Section 166 of Motor Vehicles Act, 1988 claiming compensation of Rs.50,00,000/- for the death of the Husband of the 1st claimant who died in a road traffic accident that occurred on 26.03.2019.

4. The Tribunal upon consideration of entire case records and after hearing the arguments advanced by either side, passed an Award for a sum of Rs.14,25,000/- with 7.5% interest per annum from the date of claim petition. The amounts awarded under various heads are given hereunder:

<i>Sl. No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>
1	For Loss of	Rs.12,60,000/-



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	Dependency	
2	For Loss of Love and Affection	Rs. 1,00,000/-
3	For Loss of Consortium	Rs. 40,000/-
4	For Funeral Expenses	Rs. 25,000/-
	Total	Rs.14,25,000/-

5. Learned counsel for the appellants/claimants would strenuously argue that notional income of the deceased was fixed as Rs.10,000/- inclusive of Future Prospects is less. For loss of consortium, the amount granted by the Tribunal is inadequate and sought for enhancement of compensation.

6. Per contra, the learned counsel for the 2nd respondent would contend that in consideration of entire case records, the Tribunal has granted compensation under various heads appears to be reasonable and hence sought for dismissal of the Appeal.

7. It has come on record through the evidence of PW1 that the deceased was 44 years of age at the relevant point of time and working as lorry cleaner and earning a sum of Rs.20,000/- p.m. To substantiate the said details, no document was marked. As per Ex.P2 post-mortem



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certificate, the deceased was 44 years of age. Date of accident is 26.03.2019. In consideration of the above said details, income of the deceased is fixed as Rs.15,000/- p.m.

8. As per the law laid down in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in ***2017 (2) TN MAC 609(SC)***, the Hon'ble Supreme Court has standardised the details of future prospects for the age group of persons between 40 to 50 years who was not in permanent job 25% has to be added along with income for computing loss of dependency. As held in ***Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another*** reported in ***2009 (2) TN MAC 1 (SC)***, the relevant multiplier to be selected is 14m. Claimants are four in number(Claimant No.5 is the mother-in-law of the deceased). In the matter of deduction for personal and living expenses, if the dependents of the deceased are four in number, then 1/4th has to be deducted.

9. In consideration of the above said details, following formula emerges for computation of loss of dependency:

$$\text{Rs.15,000/-} + 25\% - 1/4 \times 12 \times 14\text{m} = \text{Rs.23,62,416/-}.$$



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10. Claimant No.1 is wife and Claimants No.2 to 4 are children of the deceased Suresh. Claimant No.5 is the mother-in-law of the deceased Suresh. The Tribunal has granted a sum of Rs.1,00,000/- for loss of Love and Affection and for Loss of Consortium, a sum of Rs.40,000/- is granted. For Loss of Estate a sum of Rs.15,000/- is granted. In addition, a sum of Rs.60,000/- is granted for loss of Consortium. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and therefore it needs no interference by this Court. Therefore, the Compensation awarded by the Tribunal is reworked and tabulated below:-

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.12,60,000/-	Rs.23,62,416/-	Enhanced
2	For Loss of Love and Affection	Rs. 1,00,000/-	Rs. 1,00,000/-	Confirmed
3	For Loss of Consortium	Rs. 40,000/-	Rs. 1,00,000/-	Enhanced
4	For Funeral Expenses	Rs. 25,000/-	Rs. 25,000/-	Confirmed
5	For Loss of Estate	-	Rs. 15,000/-	Granted
	Total	Rs.14,25,000/-	Rs.26,02,416/-	
	Rounded off to		Rs.26,02,500/-	



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11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.14,25,000/- to **Rs.26,02,500/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

12. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.14,25,000/- to **Rs.26,02,500/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.26,02,500/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition **(excluding the period of default, if any)** to the credit of M.C.O.P.No.1272 of 2019 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the 1st appellant/wife of the deceased Suresh is entitled to receive Rs.8,02,500/- and the appellants 2, 3 and 4 / Children of the deceased Suresh are entitled to receive Rs.6,00,000/- each along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the

Tribunal.

6/8



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(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

(vi) The claim petition stands dismissed as against Claimant No.5.

18.11.2025

Index : Yes/No
Speaking / Non-speaking order
ssn

To:

1. The Motor Accident Claims Tribunal,
Special District Judge, Salem.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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