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CMA No. 2016 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2016 of 2025

1. Anitha Mary
W/o. David Ponnusamy,

2. Antony Minor
S/o. David Ponnusamy,

3. Alice Mary Minor

Theresa - Died (Amended as per order
in MP No.2 dated 07.06.2023)
(2nd and 3rd Petitioners are minors
represented by their mother Anitha
Mary as next friend and natural
guardian, 1st appellant)

Appellants

Vs

1. Win Tours And Travels
No.74, Porayathamman Koil Street,
Kottaimedu, Villianur, Puducherry - 110.



2. United India Insurance Co. Ltd.,
T.P Hub No.134, Greams Road, Chennai -
006.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicle Act, praying to allow appeal and to enhance the amount awarded in MCOP.No.6004 of 2019 dated 27.11.2023 on the file of motor accident claims tribunal (In Chief Judge Court of Small Causes, Chennai).

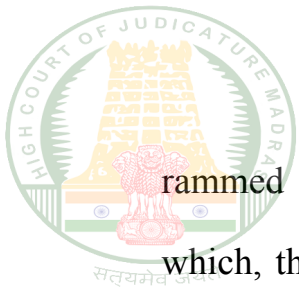
For Appellants: Mr.U.Chithambaram

For Respondents: Mr.T.K. Premkumar For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.6004 of 2019, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, son, daughter and mother of deceased David Ponnusamy. The case of appellants is that on 30.10.2019 at about 08.15 hours, when the deceased was travelling as a pillion rider in a two wheeler bearing Regn. No. TN-31 BE-9379 from Pondy to Chennai direction, near Kolathur Checkpot, ECR Road, the driver of Omni bus bearing Regn. No. PY-05-Z-9196 which came from Chennai to Pondy drove it in a rash and negligent manner



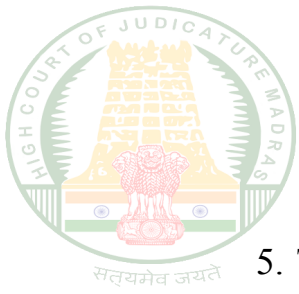
rammed against the deceased two wheeler and caused an accident. Due to which, the deceased sustained multiple grievous injuries and died on the spot.

Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.49,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.25,12,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	23,62,500
2.	Loss of estate	15,000
3.	Loss of consortium	1,20,000
4.	Funeral expenses	15,000
5.	Medical expenses	36,066
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	25,12,500

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.



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5. The learned counsel for appellants would argue that the accident was happened in the year 2019 and deceased was a tailor and earned a sum of Rs.30,000/- per month, but without considering his profession as well as his income and the cost of living at that time, the tribunal had fixed the notional income only as Rs.15000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 43 years and there is no proof produced on the side of appellants for the income derived by him as a tailor around Rs.30,000/-. Hence, the award passed by the Tribunal is justifiable one, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2019 and he was a tailor, even per day his income is considered as a sum of Rs.600/-, he would have earned Rs.18,000/- per month. Therefore, considering the fact that the accident was happened in the year 2019, considering his profession, considering his income as well as his age and considering the cost of living at that time, this Court is inclined to enhance the notional income of the



deceased David Ponnusamy from Rs.15,000/- to Rs.18,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.18,000/- (add 25% future prospects) = 18000 + 4500 = 22500 22500 x 12 x 18 (multiplier) = 37,80,000 – 3/4 = 28,35,000	23,62,500	28,35,000	enhanced
2.	Loss of estate	15,000	15,000	confirmed
3.	Loss of consortium	1,20,000	1,20,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
	Total	25,12,500	29,85,000	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.25,12,500/- is enhanced to Rs.29,85,000/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the first appellant is



entitled to share her amount proportionately as ordered by the Tribunal and she is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

11. As far as the share of minor appellants viz., 2nd and 3rd appellants are concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellants' mother, once in three months.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes,
Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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