



C.M.A.No.2178 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2178 of 2025

1.Lakshmi @ Kuppulakshmi

2.K.Balachandraguptha

3.B.Deepika

...Appellants

Vs.

1.B.Hariprakash

2.United India Insurance Company Limited,

No.2, Bhuvaneswari Complex, DR.Sankaran Road,

Namakkal District.

...Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, challenging the order dated 01.04.2022 made in M.C.O.P.No.1321 of 2019 on the file of the MCOP Tribunal, Special District Court, Salem.

For Appellants : Mr.S.P.Yuvaraj

For Respondents : R1 – exparte

Mr.D.Venkatachalam for R2

J U D G M E N T



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This appeal is filed by the appellants challenging the order dated 01.04.2022 made in M.C.O.P.No.1321 of 2019 on the file of the Motor Accidents Claims Tribunal/Special District Court, Salem.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioners are the claimants, first respondent is the owner of the vehicle and second respondent is the Insurance Company before the Tribunal.

4.The brief facts of the case are as follows:

On 14.06.2017 at about 7.15 p.m., when Mohan @ Mohanakrishnan was travelling as a pillion rider in the two wheeler bearing Registration No.TN 28 AM 0135 from Puthan Sandai towards Namakkal Road, the rider of the two wheeler drew the same in a rash and negligent manner near Sellappampatty over bridge at that time, unknown lorry coming behind and hit against the lorry due to which the said



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Mohan @ Mohanakrishnan sustained grievous injuries and died in Government Hospital, Namakkal. The petitioners filed a claim petition before the Tribunal in M.C.O.P.No.1321 of 2019, the Tribunal awarded a sum of Rs.11,65,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellants submitted that due to the accident, the appellant died and the Tribunal fixed the notional income of the deceased at Rs.10,000/- is not sufficient as the deceased aged 22 years and was engineering student at the time of the accident. Further, the compensation awarded by the Tribunal is also very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent submitted that the Tribunal after considering the oral and documentary evidence has awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.



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7.Heard learned counsel appearing for the appellants, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the first petitioner was examined as PW1, Mr.Saravanan was examined as PW2 and on the side of the petitioners, 10 documents were marked as Exs.P1 to P10. On the side of the respondents, Mr.Natarajan was examined as RW1 and 2 documents were examined as Exs.X1 and X2.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.10,80,000/- for loss of income, Rs.60,000/- for loss of love and affection, Rs.25,000/- for funeral expenses and arrived at a total compensation of Rs.11,65,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



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10. On perusal of records, it is seen that the petitioner was aged 22 years and was an Engineering student at the time of the accident.

11. The amount awarded under the heads loss of income and loss of love & affection, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head loss of income is enhanced to Rs.24,19,200/- from Rs.10,80,000/-. Accordingly, the amount awarded under the head loss of love and affection is enhanced to Rs.1,20,000/- from Rs.60,000/-. The amount awarded under the head funeral expenses, in the opinion of this Court, is very excessive and this Court is inclined to reduce the amount awarded under the said head. Accordingly, the amount awarded under the head funeral expenses is reduced to Rs.15,000/- from Rs.25,000/-. Though the Tribunal has not awarded any amount for loss of estate, this Court is inclined to award Rs.15,000/- for the loss of estate.



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12.Considering the fact that the appellant died in the accident and submission made by the learned counsel for the appellants, this Court is inclined to fix the notional income of the deceased at Rs.16,000/- per month, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

(Rs.16,000/- + 40% future prospects =Rs.6,400/-; Rs.16,000/- + Rs.6,400/- = Rs.22,400/- x 12 x 18 =Rs.48,38,400/- - 1/2 deduction = Rs.24,19,200/-)

<i>S.No.</i>	<i>Description</i>	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Loss of income	10,80,000/-	24,19,200/-
2	Loss of love and affection (Rs.40,000/- x 3)	60,000/-	1,20,000/-
3	Funeral expenses	25,000/-	15,000/-
4	Loss of estate	-	15,000/-
	Total	11,65,000/-	25,69,200/-

13.The appellants/claimants are entitled to total compensation of Rs.25,69,200/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



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14.The judgment and decree passed by the Motor Accident Claims Tribunal/Special District Court, Salem in M.C.O.P.No.1321 of 2019 dated 01.04.2022 is modified to the above extent.

15.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellants are permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

16.The appellants/claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellants/claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/Special District Court, Salem shall disburse the enhanced amount upon production of



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certified copy showing proof of payment of Court fee by the appellants/claimants.

17.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Motor Accidents Claims Tribunal,
Special District Court, Salem.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.

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