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CMA No. 1923 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1923 of 2025

1. R.Venkatesan

2. P.Anu

3. R.Arun

Appellants

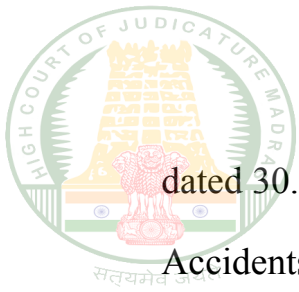
Vs

1. Thambi Durai

2.National Insurance Company Ltd.
(Motor Accident Third Party Cell), No.
46, 3rd Floor, Regina Mainson,
Chennai 001

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the compensation awarded in the Judgment and Decree



dated 30.01.2024 passed in M.C.O.P. No. 5041 of 2018 on the file of the Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellant(s): Mr.K. Balaji

For Respondent(s): Mr.S.Senthil Kumar For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.5041 of 2018, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are sons and daughter of deceased Muniammal. The case of the appellants is that on 14.03.2014 at about 13.45 hours, when the deceased was travelling in a two wheeler bearing Regn. No. TN-01 AQ-9176 at north wall road, at that time, the rider of two wheeler drove the vehicle in a rash and negligent manner, skid on the road and caused an accident. Due to which, the pillion rider/deceased Muniammal sustained fatal injuries and died in the hospital inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.25,00,000/-.



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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 rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.16,67,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	15,12,000
2.	Loss of consortium	1,20,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Transport charges	5,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	16,67,000

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

5. The learned counsel for appellants would argue that the accident was happened in the year 2014, but without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.9000/-. Hence, they



prayed for enhancement of compensation.

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6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 40 years and they have not filed any documentary proof to prove the income derived by her as a daily wage worker around Rs.13,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.9000/-, 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 2014 and the deceased was doing daily worker, from which, she would have earned Rs.13,000/-. Therefore, considering the cost of living at that time as well as considering her age, this Court is inclined to enhance the notional income of the deceased Muniammal from Rs.9000/- to Rs.13,000/-. 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:



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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 dependency Rs.13,000/- (add 40% future prospects) = 13000 + 5200 = 18200 18200 x 12 x 15 (multiplier) = 32,76,000 – 1/3 (10,92,000) = 21,84,000	15,12,000	21,84,000	enhanced
2.	Loss of love and affection	1,20,000	1,20,000	confirmed
3.	Loss of estate	15,000	15,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Transport charges	5,000	5,000	confirmed
	Total	16,67,000	23,39,000	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.16,67,000/- is enhanced to Rs.23,39,000/-. 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 appellants 1 to 3 are entitled to share the amount proportionately as ordered by the Tribunal and they



are 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. It goes without saying that the enhanced compensation that is paid by the Insurance Company can be recovered from the owner of the vehicle as was ordered by the Tribunal.

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

22-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Sub-Court No.1, Small Causes Court, Chennai.

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



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T.V.THAMILSELVI J.

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