



C.M.A.No.1980 of 2025

T.V.THAMILSELVI, J.

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Today, this Civil Miscellaneous Appeal is listed under the caption, “For Being Mentioned” at the instance of learned counsel for Appellants/Claimants.

2. The learned counsel for Appellants/Claimants submitted that this Court vide Judgment dated 29.08.2025, partly allowed C.M.A.No.1980 of 2025. In the present case, the Tribunal had awarded a sum of Rs.16,45,000/- as compensation to Appellants/Claimants vide Award dated 09.01.2025 in M.C.O.P.No.5504 of 2022. This Court has enhanced the compensation from Rs.16,45,000/- to Rs.21,79,200/-. The enhanced compensation amount i.e., Rs.21,79,200/- has also been clearly mentioned in Tabulation of Paragraph No.5 of the Judgment dated 29.08.2025 in C.M.A.No.1980 of 2025. As far as this case is concerned, Tribunal has held that accident had occurred due to the negligence of the driver who suddenly moved the Eicher Lorry backwards without any signal or indication. As such, the question of contributory negligence on the part of the deceased would not arise. However, in the 1st three lines of Paragraph No.6 of the said Judgment, this Court has recorded as follows:



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5. In all other aspects, Judgment dated 29.08.2025 in C.M.A.No.1980 of 2025 shall remain unaltered. Registry is directed to issue a fresh judgment copy to all concerned, after carrying out the aforesaid modification.

12.12.2025

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T.V.THAMILSELVI, J.

mrr

C.M.A.No.1980 of 2025

12.12.2025



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CMA No. 1980 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1980 of 2025

1. C.Madhavi

W/o. Late. Chinnasamy, Mettu Street,
Manjapudhur, Sankarakuppam,
Villupuram 606 208 now at 84,
Sameeyar Thottam, Maraimalai Nagar,
Chengalpattu.

2. C.Mahalakshmi

D/o. Late. Chinnasamy, Mettu Street,
Manjapudhur, Sankarakuppam,
Villupuram 606 208 now at 84,
Sameeyar Thottam, Maraimalai Nagar,
Chengalpattu.

3. Vijayalakshmi

D/o. Late. Chinnasamy, Mettu Street,
Manjapudhur, Sankarakuppam,
Villupuram 606 208 now at 84,
Sameeyar Thottam, Maraimalai Nagar,
Chengalpattu.

4. C.Krishnan - Minor

S/o. Late. Chinnasamy, Mettu Street,
Manjapudhur, Sankarakuppam,
Villupuram 606 208 now at 84,
Sameeyar Thottam, Maraimalai Nagar,
Chengalpattu. (Minor rep by their
Mother and Next Friend C. Madhavi I
Appellant)

Appellant(s)



Vs

1. Dym Logistics
C and F Association, Salt Quarters,
Choolai, Chennai 112 (R1 set exparty in
trial court)

2.ICICI Lombard General Insurance Co
Ltd
No. 84 and 85 Arihand Plaza, 1st Floor,
Wall Tax Road, Chennai 03

Respondent(s)

CMA No. 1980 of 2025

PRAYER

To enhance the award amount along with interest at 7.5 percent interest from the date of petition in MCOP No. 5504 of 2022 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

CMA No. 1980 of 2025

For Appellant(s): Ms.P.T.Saleem Fathima

For Respondent(s): R2 - No Appearance R1 - No
Such Office

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award amount along with interest at 7.5 percent interest from the date of petition in MCOP No. 5504 of 2022 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

2. On 21.10.2022, at about 20.00 hours, the victim was standing at GST Road(Service Salai) Maraimalai Nagar Sameyar Gate, Near Suthan Old Plastic



shop. At that time, an Eicher Lorry bearing registration No. TN 04 AM 7817 without giving any signal and without minding the persons behind, reversed the vehicle in a rash and negligent manner and hit behind the victim and ran over his stomach. As a result, he died on the spot. Thereafter, the claimants filed the petition before the tribunal claiming compensation and the second respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the award passed by the tribunal the claimants filed this appeal.

3. The learned counsel for the appellants submit that the deceased was aged about 56 years at the time of the accident and earned Rs.25,000/- per month but the tribunal has fixed only Rs.16,000/- as notional income of the deceased as per the ratio laid down by this Court in CMA No. 1253 of 2024. Hence, he prays to enhance the compensation.

4. Notice sent to the respondents none appeared.

5. On perusal of records, it reveal that the claimants marked the salary certificate of deceased as Ex.P13 without supporting documents. In fact, the accident was happened in the year 2022, hence this Court is inclined to fix Rs.18,000/- as notional income of the deceased. Further, the claimant is aged about 55 years. Hence, this Court is incline to take 11 multiplier. Accordingly, the claimants are entitled to Rs. 19,60,200/- $(18,000 + 1800 \times 12 \times 11 \times 3/4)$ under the head of loss of income. Except above modification the award passed by the Tribunal in other heads remain unchanged.



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs.14,25,600/-	Rs.19,60,200/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs. 1,76,000/-	Rs. 1,76,000/-
4.	Funeral expenses	Rs. 16,500/-	Rs. 16,500/-
5.	Transportation charges	Rs. 10,000/-	Rs.10,000/-
	Total	Rs. 16,44,600/-	Rs. 21,79,200/-

6. After deducting 10% towards contributory negligence, the claimants are entitled to Rs. 19,61,280/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 19,61,280/-**. The 2nd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 5504 of 2022 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit being made, the claimants are permitted to withdraw their share in the award amount with proportionate accrued interest and costs, as per the ratio of apportionment made by the Tribunal, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).



WEB COPY 7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

29-08-2025

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To

The Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

The Section Officer, V. R Section, High Court, Madras.



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