



WEB COPY

CMA No. 2625 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2625 of 2024

AND

CMP NO. 20863 OF 2024

1. The United India Insurance Co.Ltd.,
Third Party Claims Hub, First Floor
Indira Gandhi Street, Rajajipuram,
Tiruvallur.

2. P. Thangaraj
S/o. Periyapaiyan, No.12, Melsilambadi
Village and Post, Tiruvannamalai Dt
635 703.

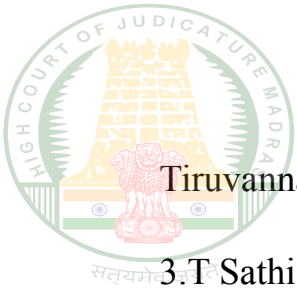
3. T. Sathish
S/o. Thirunavukarasu, No.27, Pillaiyar
Koil St, Seneerkuppam, Poonamallee,
Chennai 56.

Appellant(s)

Vs

1. T Anitha
W/o. Thangaraj, No.12, Melsilambadi
Village and Post, Tiruvannamalai Dt
635 703.

2.T Thangaraj
No 12 Melsilambadi Village and Post



Tiruvannamalai District

3.T Sathish

WEB NO 27 Pillaiyar Koil Street
Seneerkuppam Poonamallee Chennai

Respondent(s)

CMA No. 2625 of 2024

PRAYER

To Set-aside the Final Award dated 24 th January 2024 passed in MCOP No.165 of 2020 by the Honble Motor Accidents Claims Tribunal (II Additional District and Sessions Court) Tiruvallur @ Poonamallee.

CMA No. 2625 of 2024

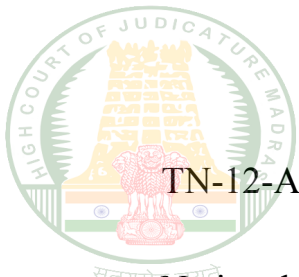
For Appellant(s): Mr.J.Michael Visuvasam

For Respondent(s): U.Chithambaram For R1 And 2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to Set-aside the Final Award passed in MCOP No.165 of 2020 by the Honble Motor Accidents Claims Tribunal (II Additional District and Sessions Court) Tiruvallur @ Poonamallee.

2. On 07.08.2020 at about 11.00 hours(Morning) when the deceased was travelling as Pillion rider in a TVS Jupiter Motor Cycle bearing Registration No.



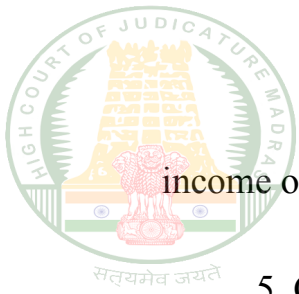
TN-12-AJ-8533 towards West to East direction at Chennai to Bangalore

National Highways, under the Over Bridge of Vandalur to Minjur 400 Feet road,

Nazarathpet, when the Lorry bearing Registration No.TN-054-X-5477 came in the same direction, driven by its driver in a rash and negligent manner endangering the public safety, hit the deceased. By the accident, the deceased sustained sever Head Injury and she died on the spot. Hence the claimants filed this petition claiming compensation of Rs.30,00,000/-. The Insurance Company contested the case by filing counter. On considering the oral and documentary evidence, the tribunal awarded a sum of Rs.13,90,500/- as compensation. Challenging the same, the Insurance Company filed this appeal.

3. The learned counsel for the appellant submits that the accident was happened in the year 2020 and deceased was aged about 16 years at the time of the accident but the tribunal fixed Rs.10,000/- as notional income of the deceased as such is erroneous and liable to be set aside. Hence, he prays to set aside the award passed by the tribunal.

4. The learned counsel for the claimants submit that on considering the cost of living at the time of the accident the tribunal has rightly fixed notional



income of the deceased which needs no interference.

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5. Considering the facts of the case, the accident was happened in the year 2020 hence the tribunal has fixed Rs.10,000/- notional income. However, it has failed to take note of the fact that deceased was 16 years at the time of the accident. Hence, this Court is inclined to reduce the notional income of the deceased from Rs.10,000/- to Rs.8,000/-. Accordingly, the claimants are entitled to Rs. 12,09,600/- for loss to dependency. 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 income/dependence	Rs.15,12,000/-	Rs.12,09,600/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Nil	Nil
4.	Funeral expenses	Rs.16,500/-	Rs.16500/-
5.	Transportation charges	Nil	Nil
	Total	Rs.15,45,000/-	Rs.12,42,600/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.12,42,600/-**. The appellant is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the



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date of claim petition to the date of realisation, to the credit of MCOP No.165 of

2020 on the file of the Motor Accidents Claims Tribunal (II Additional District

and Sessions Court) Tiruvallur @ Poonamallee.

, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

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

23-06-2025

pbl

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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W/o. Thangaraj, No.12, Melsilambadi
Village and Post, Tiruvannamalai Dt
635 703.

2.T Thangaraj

No 12 Melsilambadi Village and Post
Tiruvannamalai District

3.T Sathish

No 27 Pillaiyar Koil Street
Seneerkuppam Poonamallee Chennai.

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

5. The Motor Accidents Claims
Tribunal (II Additional District and
Sessions Court) Tiruvallur @
Poonamallee.



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T.V.THAMILSELVI J.

pbl

**CMA No. 2625 of 2024
AND CMP NO. 20863
OF 2024**



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2625 of 2024

AND

CMP NO. 20863 OF 2024

1. The United India Insurance Co.Ltd.,
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PRAYER

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CMA No. 2625 of 2024

For Appellant(s): Mr.J.Michael Visuvasam

For Respondent(s): U.Chithambaram For R1 And 2

O R D E R

This matter is listed today under the caption "For being mentioned" at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that some typographical error has been crept in Paragraphs Nos.5 and 6 of the order dated 23.06.2025. Hence, the same is to be replaced as follows:



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" 5. Considering the facts of the case, the accident was happened in the year 2020 hence the tribunal has fixed Rs.10,000/- notional income. However, it has failed to take note of the fact that deceased was 16 years at the time of the accident. Hence, this Court is inclined to reduce the notional income of the deceased from Rs.10,000/- to Rs.8,000/-. Accordingly, the claimants are entitled to Rs. 12,09,600/- for loss to dependency. 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 income/dependence	Rs.15,12,000/-	Rs.12,09,600/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Nil	Nil
4.	Funeral expenses	Rs.16,500/-	Rs.16500/-
5.	Transportation charges	Nil	Nil
	Total	Rs.15,45,000/-	Rs.12,42,600/-
	Contributory Negligence	Rs.1,54,500/-	Rs.1,24,260/-
	After deduction	13,90,500/-	Rs.11,18,340/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is reduced to **Rs.11,18,340/-**. The appellant 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.165 of 2020 on the file of the Motor Accidents Claims Tribunal (II



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Additional District and Sessions Court) Tiruvallur @ Poonamallee, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

3. The time for deposit is extended for a further period of three weeks from the date of receipt of a copy of this order.

4. Registry is directed to carry out necessary correction in the Order and issue fresh order copy.

5. In other respects, the order dated 23.06.2025 shall remain unaltered.

05.08-2025

smn

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