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CMA No. 2192 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2192 of 2025

1. P.Nithya

2. P Jaya Bharathi(Minor)

3. P Sabarivasan(Minor)

Minors Rep. by their mother and next
friend the 1st petitioner,

Appellants

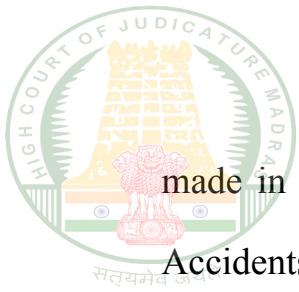
Vs

1. I.Jabamalai Rackini

2.United India Insurance Co. Ltd.,
Motor Third party Hubb, 4th Floor,
Silinghi builidngs, 134 Greams Road,
Thousand lights, Chennai-600 006

Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles
Act, 1988, praying to set aside the judgment and decree dated 29-08-2023 and



made in MACTOP.NO.2746 /2018 on the file of the Special Court II (Motor Accidents Claims Tribunal) Chennai.

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For Appellants: Mr. R.Kalai Arasan

For Respondents: Mr. C. Paranthaman For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.2746 of 2018, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, son and daughter of deceased M.Punniyakodi. The case of appellants is that on 13.02.2018 at about 04.00 hrs., when the four passengers have travelled in a car bearing Regn. No. TN-11 T-6347 from Pondicherry to Saidapet, at that time, the driver of a car drove it in a rash and negligent manner and lost his control, so dashed against the tree and caused an accident. Due to which, the deceased M.Punniyakodi sustained multiple injuries, for which he underwent treatment in the hospital, but he died inspite of treatment on the same day. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.40,00,000/-.

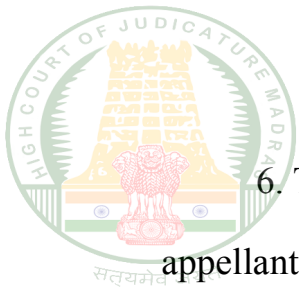


3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.21,49,200/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	19,99,200
2.	Loss of consortium	1,20,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Medical expenses	Nil
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	21,49,200

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 2018 and he was an autorickshaw driver and earned a sum of Rs.1000/- per day, but without considering the same as well as without considering cost of living at that time, the tribunal had fixed the notional income as Rs.10,500/-. Hence, they prayed for enhancement of compensation.



6. The learned counsel for 2nd respondent raised objections stating that the appellants have not produced any driving licence of driver of car as well as documents to the car and also not produced any proof on the side of appellants for the income derived by him as an autorickshaw driver around Rs.1000/- per day. Hence, the Tribunal had rightly fixed the notional income as Rs.10,500/- per month, 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 2018 and he was worked as auto rickshaw driver, thereby even per day his income is to be considered as a sum of Rs.600/- and he would have earned Rs.18,000/- per month. Therefore, considering the fact that he was an auto driver by profession as well as considering cost of living at that time, this Court is inclined to enhance the notional income of the deceased Punniyakodi from Rs.10,500/- 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.

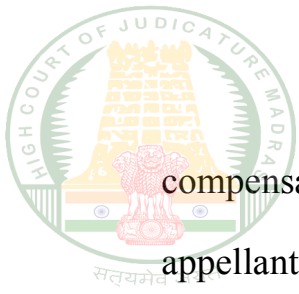
9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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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.18,000/- (add 40% future prospects) = 18000 + 7200 =25200 25200 x 12 x 17 (multiplier) = 51,40,800 – 1/3 (17,13,600) = 34,27,200	19,99,200	34,27,200	enhanced
2.	Loss of consortium (Rs.40,000 x 3)	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.	Medical expenses	nil	nil	confirmed
	Total	21,49,200	35,77,200	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.21,49,200/- is enhanced to Rs.35,77,200/-. 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 her share proportionately as ordered by the Tribunal and she 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 appellants. 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 2 and 3 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.

12-08-2025

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-II, Chennai.

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



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T.V.THAMILSELVI J.

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