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C.M.A.No.3587 of 2025 and C.M.P. No.29730 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 09.12.2025

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 3587 of 2025 and C.M.P. No.29730 of 2025

The Divisional Manager

M/s. United India Insurance Company Limited

D.O. 13A, Nethaji Road,

Cuddalore 607 001

...Appellant

Vs.

1. Jayaraman

2.D. Sathiyavani

3.J. Adithiravidan

4.R. Vanisri

5.M. Alamelu Mangavarthal

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the decree and judgment dated 03.04.2025 passed in M.C.O.P. No.1136 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Court No.1, Cuddalore.

For Appellant : Mr. S. Arun Kumar

For Respondents : Ms. Ramya V. Rao for R1 to R4



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JUDGMENT

The appeal is directed against the award dated 03.04.2025 passed in M.C.O.P. No.1136 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Court No.1, Cuddalore.

2. Shortly stated, on 18.04.2022, when the deceased was working in a paddy field, the 1st respondent's Harvester bearing Registration No.TN 31 CC 1537, came at a great speed in a rash and negligent manner without blowing the horn, hit the deceased from behind, due to which she sustained fatal injuries and died.

3. The claimants are the husband and children of the deceased. Hence, a claim petition was filed before the Claims Tribunal by the claimants for the death of the deceased Rani, claiming a total sum of Rs,50,00,000/- as compensation.

4. The claim was opposed by the Insurance Company.



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5. The learned Tribunal, after trying the issues, vide its order dated 03.04.2025 partly allowed the claim and awarded a sum of Rs.26,01,000/- as compensation to the claimants.

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the Insurance Company, income fixed by the Tribunal at Rs.15,000/- is excessive. Further the age of the deceased was also wrongly fixed by the Tribunal, without verifying the records for proof of age. The 1/4 deduction made by the Tribunal is erroneous. Since the respondents 2 to 4 are married and not depending upon the deceased, the Tribunal ought to have deducted 50% towards dependency. It is further submitted that Hence, prayed for setting aside the award passed by the Tribunal.

7. On the other hand, the learned counsel for the claimants would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.



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8. The findings of the learned Tribunal regarding the involvement of the vehicle in question, the negligence of the respondent No.1, driver of the vehicle, and the deceased having sustained fatal injuries which ultimately resulted in her death, are against the respondents in the claim petition. The claimants have not filed any appeal for enhancement. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

9. Now, the question arises as to whether the Tribunal erred in recording a finding about the age of the deceased, the multiplier applied and with regard to dependency.

10. On perusal of the impugned order, it is seen that the Tribunal has recorded a finding about the age of the deceased as 45 years and applied multiplier 14. But, in the Aadhaar Card the age of the deceased is mentioned is



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51 years. As rightly pointed by the learned counsel for the appellant, while the age of the first daughter / 2nd respondent was 34 years at the time of claim petition, the age of the deceased would not have been 45 years at the time of alleged accident. Hence, the age of the deceased is fixed as 51 years as per the Aadhaar card and hence, the proper multiplier would be 11 and future prospects is 10%. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.15,000/-

10% Future Prospects = Rs.16,500/-

After 1/3 deduction = Rs.11,000/-

Loss of dependency

= Rs.11,000/- x 12 x 11

= Rs.14,52,000/-

11. Considering the facts and circumstances of the case, the compensation awarded by the Tribunal, under various heads, is modified by this Court as follows:



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S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1.	Loss of dependency	23,62,584/-	14,52,000/-
2.	Spousal Consortium	48,000/-	44,000/-
3.	Loss of Relationship	1,44,000/-	1,32,000/-
4.	Funeral Expenses	18,000/-	16,500/-
5.	Transportation	10,000/-	10,000/-
6.	Loss of Estate	18,000/-	16,500/-
	Total	26,00,584/- rounded off to 26,01,000/-	16,71,000/-

12. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs.

Consequently connected miscellaneous petition is closed.

ii.The quantum of compensation awarded by the Tribunal is scaled down to Rs.16,71,000/- from Rs.26,01,000/-.

iii.The appellant/Insurance company is directed to deposit a sum of Rs.16,71,000/- with interest at the rate of 7.5% per annum from the date



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of claim petition till the date of deposit, within a period of four weeks

from the date of receipt of a copy of this order, to the credit of M.C.O.P.

No.1136 of 2022 on the file of the Motor Accident Claims Tribunal,

Special District Court No.1, Cuddalore. The appellant / Insurance

Company is at liberty to withdraw the excess amount, if deposited by

them, over and above the compensation awarded by this court.

iv. On such deposit being made, the claimants are at liberty to withdraw

their share as per the apportionment made by the Tribunal, with costs

and interest, after filing a proper petition for withdrawal.

09.12.2025

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. Motor Accident Claims Tribunal,

Special District Court No.1, Cuddalore

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

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