



CMA.No.403 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.403 of 2025

1.Erudhayamary
2.Subramaniyan

... Appellants

Vs.

1.LGeetha
2.United India Insurance Co Ltd.
Silingi Building, 4th Floor,
No.134, Greams Road,
Chennai-600006

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and be pleased to enhance the amount awarded in M.C.O.P. No.3307 of 2018 dated 11.11.2019, on the file of Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes) Chennai.

For Appellant : Mr.K.Varadha Kamaraj
For Respondent : Mr.S.Dhakshnamoorthy for R2
R1-Notice dispensed with



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JUDGMENT

Not satisfied with the quantum of compensation, the claimants have come before this court by way of this appeal.

2. It is the case of the appellants/claimants that their son namely Mariya Anthonyraj died in a road accident that had taken place on 26-12-2018. According to them, the deceased was driving his motorcycle proceeding on the left side of the Kattu Koot Road-Mannur Road, Sriperumbudur, Kanchipuram. The motorcycle belonged to the 1st respondent and insured with the 2nd respondent came in a rash and negligent manner and hit the motorcycle of the deceased. As a result of the accident, the deceased sustained grievous injuries and died on the spot. Therefore, the claim petition was filed by his parents seeking compensation of Rs.90,00,000/-.

3. Though the first respondent filed a counter denying the averments in the claim petition, subsequently, she remained ex-parte before the Tribunal.

4. The second respondent/Insurance Company in its counter denied



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the manner of accident as described in the claim petition. The second respondent also denied the age, income etc., of the deceased and sought for dismissal of the claim petition.

5. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the vehicle belonged to the first respondent and insured with the second respondent. The compensation payable to the claimants was quantified at Rs.27,68,200/- Not satisfied with the compensation, the claimants have come before this court.

6. Both the learned counsel for the appellants as well as the second respondent/Insurance Company have not advanced any arguments on the questions of negligence as well as liability. Hence, the facts necessary to decide those questions are not discussed in this appeal.

7. The learned counsel for the Appellants submitted that the Tribunal committed an error in not awarding future prospects. The learned counsel also submitted that the amount awarded by the Tribunal under the head loss of love and affection needs enhancement.



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8. The learned counsel for the Second Respondent/ Insurance Company submitted that the award passed by the Tribunal can be modified as per the law laid down by Hon'ble Apex Court in *Pranay Sethi* case.

9. The Tribunal, based on Exhibit P9, Driving License, fixed the age of the deceased at 29 years. Therefore, the claimants are entitled to 40% enhancement towards future prospects as per the law laid down by the Hon'ble Apex Court in the above-mentioned case law. However, the Tribunal committed an error in not awarding future prospects. Therefore, this Court holds that claimants are entitled to 40% enhancement towards future prospects.

10. The Tribunal, based on Exhibit P7, Pay Slips, fixed the income of the deceased at Rs.26,600/-. The applicable multiplier is 17. Since the deceased died as a bachelor, 1/2 of the amount shall be deducted towards personal expenses. Therefore, the loss of dependency is fixed at Rs. 37,98,480/- including the future prospects.

$$26,600 \times 1.4 \times 12 \times 17 \times 1/2 = \text{Rs. } 37,98,480/-$$

11. The Tribunal committed an error in granting only Rs. 20,000/-



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However, as per the law laid down in *Pranay Sethi* case, they are entitled to Rs.40,000/- each under the head parental consortium. In addition to the above said amount, the claimants are entitled to Rs.15,000/- each under the heads Funeral Expenses and Loss of Estate.

12. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of dependency	27,13,200/-	37,98,480/-	Enhanced
2.	Loss of estate	Nil	15,000/-	Granted
3.	Funeral expenses	15,000/-	15,000/-	Confirmed
4.	Loss of love and affection is converted as loss of parental Consortium	40,000/- (20,000 x 2)	80,000/- (40,000 x 2)	Enhanced
	Total	27,68,200/-	39,08,480/-	Enhanced by Rs.11,40,280/-

13. With the above modifications, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at



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Rs.27,68,200/- is hereby enhanced to Rs.39,08,480/- The appellants are entitled to interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization (excluding the delay period of 1611 days as per order in CMP.No.21564 of 2024). The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount to the credit of M.C.O.P.No.3307 of 2018 on the file of Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this Judgment. The appellants are permitted to withdraw the same along with interests and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal. No costs.

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Index: Yes/No
Internet: Yes/No
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To

1. Motor Accidents Claims Tribunal

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WEB COPY Chief Judge, Court of Small Causes, Chennai.

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



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S.SOUNTHAR, J.

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