



C.M.A.No.2801 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.2801 of 2025

and

CMP.No.23772 of 2025

The Divisional Manager,
United India Insurance Co., Ltd.,
No.13A, Nethaji Road,
Manjakupam,
Cuddalore 607 001.

... Appellant

vs.

1.Tamilselvi
Parthiban (died)
2.Revathi
3.Minor.Dhanya Shri
(Minor represented by her next friend/
mother /2nd respondent)
4.K.Kuppusamy

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the Decree and Judgment dated 14.03.2024 made in M.C.O.P.No.809 of 2021 on the file of Motor Accidents Claims Tribunal, Special District Court No.1, Cuddalore.

For Appellant : Mr.Dr.C.Paranthaman
For R1 to R3 : Mrs.Ramya V.Rao



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JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the Award dated 14.03.2024 made in M.C.O.P.No.809 of 2021 by the Special District Court No.1, (to deal with MCOP cases) Cuddalore as regards negligence and on quantum.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The claim petition was filed by the claimants, legal representatives of one Kaliyaperumal, who died in a road traffic accident that took place on 04.06.2021, claiming compensation of Rs.30,00,000/- under Section 166(1) of the Motor Vehicles Act, 1988.

4. The manner in which, the accident taken place is not in dispute. The grievance of the appellant/Insurance Company is that originally four persons filed the claim petition, and during the pendency of the original petition, Parthiban, son of the deceased Kaliyaperumal passed away. However, the Tribunal, while granting compensation, awarded a sum of Rs.1,94,000/- towards loss of consortium to the first claimant and towards loss of love and affection to the claimants, which, according to the appellant, is totally incorrect.



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5. The Original Claim Petition was filed by the wife, deceased son, (deceased Parthiban), daughter-in-law and grandson of the deceased Kaliyaperumal. The wife, daughter-in-law and grandson of the deceased Kaliyaperumal have been arrayed as respondents No.1 to 3 respectively. During the pendency of the proceedings before the Tribunal, the second claimant Parthiban, son of the deceased Kaliyaperumal passed away. The Tribunal granted, for the first claimant, a sum of Rs.44,000/- towards loss of consortium. For claimants no.1, 3 and 4 towards loss of love and affection, a total sum of Rs.1,50,000/- was granted.

6. As per the law laid down by the Hon'ble Supreme Court in ***National Insurance Company vs. Prenay Sethi and Others, 2017(2) TNMAC 609 SC***, each dependent is entitled to a sum of Rs.40,000/- under the head loss of love and affection. Accordingly, a sum of Rs.80,000/- is granted for the 3rd and 4th claimants herein.

7. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable, and it needs no interference. The compensation awarded as mentioned supra is reworked and tabulated as given hereunder:

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S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	For loss of dependency	13,46,436/-	13,46,436/-	confirmed
2	For loss of consortium in respect of 1 st claimant	44,000/-	44,000/-	confirmed
3	For loss of love and affection in respect of claimants 3 & 4	1,50,000/-	80,000/-	reduced
4	For funeral expenses	16,500/-	16,500/-	confirmed
5	For transport expenses	15,000/-	15,000/-	confirmed
6	For Loss of estate	16,500/-	16,500/-	confirmed
	Total	15,88,436/- rounded off as Rs.15,89,000/-	15,19,000/-	Reduced by Rs.70,000/-

8. Thus, the compensation awarded by the Tribunal is reduced from Rs.15,89,000/- to Rs.15,19,000/- which would carry interest at the rate of 7.5% per annum.



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9. In the result,

- (i) The Civil Miscellaneous Appeal is partly allowed.
- (ii) The compensation awarded by the Tribunal is reduced from Rs.15,89,000/- to Rs.15,19,000/- .
- (iii)
- (iv) The Appellant / Insurance Company is directed to deposit the modified compensation amount i.e., Rs.15,19,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.809 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Court No.I, (to deal with MCOP Cases) Cuddalore, within a period of eight weeks from the date of receipt of a copy of this Judgment.
- (v)
- (vi) On such deposit being made, the respondents 1 & 2 are at liberty to withdraw the same as per apportionment made by the Tribunal along with interest and costs after adjusting the amount, if any already withdrawn by filing necessary application before the Tribunal.
- (vii)
- (viii) The shares of the minor 3rd respondent shall be deposited by the Tribunal in any one of the nationalised Bank under re-investment scheme



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till she attains majority. The 2nd claimant, who is guardian of the minor, is permitted to withdraw the accrued interest from the deposit of the minor once in three months directly from the (ix)

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kkd

(x)said Bank. On attaining the age of majority, the 3rd claimant may be permitted to withdraw her share by filing relevant application before the Tribunal. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

08.10.2025

Index : Yes/No
Speaking / Non-speaking order
kkd

To:

The Motor Accident Claims Tribunal,
Special District Court No.1, to deal with the MCOP Cases,
Cuddalore.

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