



WEB COPY

CMA No. 2826 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2826 of 2023

1. RENUGOPAL

S/o.Chandra, No.820, West Kollimedu,
Mambattu Post, Polur Tk,
Thiruvannamalai Dist.

Appellant(s)

Vs

1. R.Sakthivel

No.820, Krishnapuram Kollimedu,
Athimoor Village and Post, Polur Tk,
Thiruvannamalai Dist.

2.The National Insurance Co.Ltd,
Motor III Party Claims Office, No. 46,
Rejina Mansion, Moore St, Chennai 1.
Now running at No. 66, Greams Road,
Chennai 6.

Respondent(s)



CMA No. 2826 of 2023

WEB COPY

PRAYER

To set aside the award passed by the Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai in MCOP.No. 7141 of 2016, dated 21.6.2023 and enhance the award amount in the interest of justice.

CMA No. 2826 of 2023

For Appellant(s): K.Sivakumar G. Anitha
V.Prabhakaran K.Sridevi

For Respondent(s): M/s M. Krishnamoorthy For R2
R-1 - Exparte,

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the award passed by the Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai(in short "tribunal") in MCOP.No. 7141 of 2016, dated 21.6.2023 and enhance the award amount.

2. The Brief facts of the case:

On 28.10.2016 at about 20.15 hrs, while the deceased was travelling as a pillion rider in motorcycle bearing registration No.TN-25-AQ-4212 at Polur to Vellore Main Road, Bakmark Pettai, near Vijayagar Temple, the motorcycle drove rashly and negligently by its driver in a manner endangering



WEB COPY

the public safety came at a dangerous speed hit against bridge and fell down from motorcycle and caused the fatal accident. Since, the accident has happened only due to the rash and negligent driving of the motorcycle by its driver. Thereafter, the claimants filed the petition before the tribunal claiming compensation of Rs.25,00,000/-. The second respondent herein/Insurance company contested the case by filing counter statement. On considering oral and documentary evidence the Tribunal awarded a sum of Rs.5,66,500/- to the claimants. Challenging the quantum of compensation, the claimant preferred this appeal.

3. The learned counsel for the claimant submits that the deceased was working as a tailor and earned Rs.600/- per day but the tribunal fixed only Rs.10,000/- as income of the deceased. Hence, the learned counsel prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the tribunal has rightly fixed the notional income of the deceased but he pointed out that that tribunal has erroneously deducted 1/3 instead of 1/2 under the head of personal expenses.



5. Considering the cost of the living at the of the accident, this Court is inclined to enhance the income of the deceased from Rs.10,000/- to Rs.15,000/-

WEB COPY

Further, as rightly pointed out by the respondent's counsel, the deceased has only one dependant therefore $\frac{1}{2}$ shall be deducted under the head of personal expenses.

6. The learned counsel for the appellant submits that tribunal has erroneously fixed 50% liability on the side of the first respondent, who is the son of the deceased but admittedly at the time of the accident three persons were travelled in the two wheeler and he lost control of the vehicle due to which the accident was happened. Therefore, the tribunal has rightly fixed 50% contributory negligence on the side of the deceased which needs no interference.

7. As discussed above, the income of the deceased is enhanced to Rs.15,000/-. Accordingly, the claimants are entitled to Rs.5,44,500/- $\{(15000+1500) \times 12 \times 11\} - 1/2\}$ under the head loss of dependence. Accordingly, the claimant In respect of other heads, interest and contributory negligence findings given by the tribunal is well reasoned needs no interference.

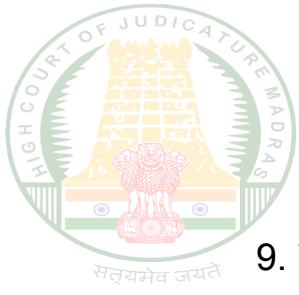


Accordingly,

WEB COPY

S.N O.	Heads	Compensation awarded by the tribunal	Compensation awarded by this Court
1.	Loss of dependency	Rs.4,84,000/-	Rs.5,44,500/-
2.	Loss of Estate	Rs.16,500/-	Rs.16,500/-
3.	Funeral Expenses	Rs.16,500/-	Rs.16,500/-
4.	Loss of consortium	Rs.44,000/-	Rs.44,000/-
5.	Transport expenses	Rs.5,500/-	Rs.5,500/-
	Total	Rs.5,66,500/-	Rs.6,27,000/-

8. As discussed above, the claimant/appellant herein is entitled to **Rs.6,27,000/-**. The second respondent herein/Insurance Company is directed to deposit the said amount to the credit of **MCOP.No. 7141 of 2016**, on the file of the **Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai**, with the interest of 7.5% per annum from the date of petition till payment within a period of eight weeks from the date of receipt of a copy of this judgment. If any amount was deposited before the tribunal, the insurance company shall deposit the remaining amount after deducting the deposited amount. On such deposit, the claimants are permitted to withdraw the said amount by filing appropriate application before the tribunal.



9. With the above directions, this Civil Miscellaneous appeal is partly

WEB COPY

allowed. No Costs.

06-06-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 2826 of 2023

WEB COPY

To

1.R.Sakthivel

No.820, Krishnapuram Kollimedu,
Athimoor Village and Post, Polur Tk,
Thiruvannamalai Dist.

2.The National Insurance Co.Ltd,
Motor III Party Claims Office, No. 46,
Rejina Mansion, Moore St, Chennai 1.
Now running at No. 66, Greaves Road,
Chennai 6.

3. The Motor Accidents Claims
Tribunal, IV Judge, Small Causes
Court, Chennai.

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



WEB COPY

CMA No. 2826 of 2023



T.V.THAMILSELVI J.
pbl

CMA No. 2826 of 2023

06-06-2025