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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2384 of 2025

1. Mr. E. Durairaj

2. D. Kavitha

3. C. Deepa

4. D. Samuvel

5. D. Kalaiselvi

... Appellants

Vs.

1.R. Kumaresan

2. The Divisional Manager,
United India Insurance Company Limited,
No.147/58-C, Kamarajar Street,
Kancheepuram

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Decree and Judgment dated 11.10.2012 made in I.A.No.2 of 2022 in M.C.O.P.No.173 of 2019 on the file of the Motor Accident Claims Tribunal, District and Sessions Judge, Additional District Court, (Fast Track Court) Kanchipuram



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For Appellants : Mr.C. Prabakaran
For Respondent-2 : Mr.C. Paranthaman

JUDGMENT

The appellants have filed this appeal against the Decree and Judgment dated 11.10.2012 made in I.A.No.2 of 2022 in M.C.O.P.No.173 of 2019 on the file of the Motor Accident Claims Tribunal, District and Sessions Judge, Additional District Court, (Fast Track Court) Kanchipuram.

2. The brief facts of the case of the appellants/claimants are as follows:

On 01.02.2019 at about 7.00 p.m when the deceased was travelling as one of the passenger in the Mahindr Maxi Cab bearing Registration No.TN-20-CA-2844 on the Kancheepuram to Cheyyar Road a lorry bearing Registration No. TCJ 5455 came in a rash and negligent manner and dashed against the car. As a result of which the deceased sustained grievous injuries and succumbed to the injuries. Hence, the legal heirs of the deceased has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.47,50,000/-.



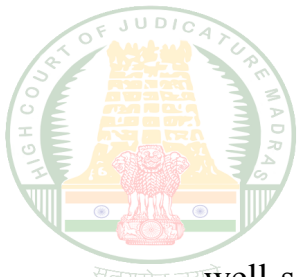
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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.6,37,000/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal has not considered the age, occupation and income of the deceased and awarded the compensation. He further submitted that the amount awarded under all the heads are very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on



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well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.5,67,000/- towards loss of income Rs.15,000/- each towards funeral expenses and loss of estate; Rs.40,000/- Thus the total compensation is arrived at Rs.6,37,000/- .

9. Considering the occupation of the deceased this Court is of the view that the deceased would be earning Rs.12,000/- per month. As per the decision rendered in the case of *National Insurance Co. vs Pranay sethi and others*, reported in **2017 (2) TNMAC 601** 10% is to be added towards future prospects of the deceased. The deceased died, leaving behind the respondents, who are her legal heirs. Considering the age of the deceased $\frac{1}{3}^{\text{rd}}$ of the income is to be deducted towards the deceased's personal expenses. As per the decision rendered in *Sarla Verma and others vs. Delhi Transport Corporation and another*, reported in **(2009) 6 SCC 121**, the proper multiplier to be adopted in the instance case is 11.

Calculation

Monthly Income = Rs.12,000/-



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10% Future Prospects = 12,000 + 1,200 = 13,200/-

After 1/3 deduction = 13,200 – 4,400 = Rs.8,800/-

Loss of dependency

= Rs.8,800 x 12 x 11

= Rs.11,61,600/-. The compensation awarded all other heads remains the same.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income	Rs.5,67,000/-	Rs.11,61,600/-.
2.	Loss of Consortium	Rs.40,000/-	Rs.40,000/-
3.	Loss of estate	Rs.15,000/-	Rs.15,000/-
4.	Funeral Expenses	Rs.15,000/-	Rs. 15,000/-
	Total	Rs.6,37,000/-	Rs.12,31,600/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.6,37,000/- to Rs.12,31,600/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:



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i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.6,37,000/- to Rs.12,31,600/-**,

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent is directed to deposit the enhanced compensation amount, i.e., **Rs.12,31,600/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **I.A.No.2 of 2022 in M.C.O.P.No.173 of 2019 on the file of the Motor Accident Claims Tribunal, District and Sessions Judge, Additional District Court, (Fast Track Court) Kanchipuram** within a period of eight weeks from the date of receipt or uploading of a copy of this order .



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v. On such deposit being made, the appellants/claimants is at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal, after following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

29.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal, District and Sessions Judge, Additional District Court, (Fast Track Court) Kanchipuram i

2. The Divisional Manager,
United India Insurance Company Limited,
No.147/58-C, Kamarajar Street,
Kancheepuram

3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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