IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2960 of 2024

1. K. Benita
2.Minor K. Jefee Joela Joeline ... Appellants

Vs.

1. Mr.T. Murali

2.Reliance General Insurance Company Limited,
No.6, Haddows Road, Reliance House,
6th Floor, Nungambakkam,
Chennai – 600 006.
... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the Decree and Judgment dated 22.03.2024 passed in M.C.O.P.No.645 of 2015 by the Hon'ble Special Judge 1, Motor Accident Claims Tribunal at Chennai .

For Appellant : Mr.S. Baskar
For Respondent-1 : No Appearance
For Respondent-2 : Mr.P. Suresh Srinivasan

JUDGMENT

The appellants have filed this appeal against the Decree and Judgment dated 22.03.2024 passed in M.C.O.P.No.645 of 2015 by the Special Judge 1, Motor Accident Claims Tribunal at Chennai .

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

On 28.12.2013 at about 3.40 p.m at Trichy to Chennai National Highways Ulundurpet, near Jawaharlal College, the deceased and other people were travelling in a Car bearing Reg.No. TN-21-Q-3636 from Tutucoring to Chennai and at that time a lorry bearing Reg.No.TN-21-Q-3636 belonging to the first respondent proceeding on the same direction in a rash and negligent manner by over taking the said car and without causing any signal and all of a sudden stopped in front of the said car which resulted the said car dashed behind the lorry. The lorry did not stop immediately due to over speed and halted after some distance. The driver of the lorry did not give any first aid to the injured person in the car and had flew from the scene of occurrence. The driver of the lorry is solely responsible for the cause of the accident. Due to the said accident the deceased was died and other persons sustained injuries. Hence, the legal heirs of the deceased has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.1,19,85,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.15,43,000/- 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 erred in awarding Rs.25,000/- as monthly income of the deceased as he was earning Rs.25,000/- per month at the time of accident. 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 well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard Mr.S. Baskar learned counsel for the appellant and Mr.P.Suresh Srinivasan learned counsel for the second respondent.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.14,28,000/- for total loss of dependency; Rs.80,000/- towards loss of consortium; Rs.15,000/- each towards loss of estate and funeral expenses and Rs.5,000/- towards transport charges.

9. Considering the occupation of the deceased and his bank statement, it would be just and appropriate to fix Rs.15,000/- as his monthly income As per the decision rendered in the case of ***National Insurance Co. vs Pranay sethi and others,*** reported in ***2017 (2) TNMAC 601*** 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the respondents, who are his legal heirs.

Considering the age of the deceased 1/3 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 36 years at the time of the accident, and 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 15.

Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000/-

After 1/3 deduction = 21,000 – 7,000 = Rs.14,000/-

Loss of dependency

= Rs.14,000 x 12 x 15

= Rs.25,20,000/-. The compensation awarded under the other heads are reasonable and does not require interference of this Court.

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 Dependency	14,28,000/-	**25,20,000/-**
2.	Loss of consortium	15,000/-	15,000/-
3.	Loss of estate	15,000/-	15,000/-
4.	Funeral Expenses	15,000/-	15,000/-
5	Transport Charges	5,000/-	**5,000/-**
	Total	**Rs.15,43,000/-**	**Rs.25,70,000/-**

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.15,43,000/- to Rs. 25,70,000/-**, which shall carry interest at the rate of 7.5% per annum.

11. **In the result:**

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.15,43,000/- to Rs. 25,70,000/-.**

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/Reliance General Insurance Company Limited, is directed to deposit the enhanced compensation amount, i.e., **25,70,000/-**, (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 M.C.O.P.No.645 of 2015, Special Judge 1, Motor Accident Claims Tribunal at Chennai within a period of eight weeks from the date of receipt or uploading of a copy of this order.

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 second appellant being minor, is directed to have her respective shares of the award amount invested in any one of the Nationalized Banks under a Fixed Deposit Scheme initially **for a period of three years** which shall be renewed periodically until she attains majority. The 1st appellant/1st claimant, being the natural guardian of the minor claimant, is permitted to withdraw the interest accrued thereon **once in three months,** and the same shall be utilized for the welfare of the minor claimant.

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

01.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

smn

To

1. The Motor Accidents Claims Tribunal (In the SPL. Sub Judge – II, Small Causes Court at Chennai)

2. Reliance General Insurance Company Limited,
No.6, Reliance House, 6th Floor,
Haddows Road, Nungambakkam,
Chennai – 600 034. Presently at Chennai City Centre,
Dr.Radha Krishnan Salai,Loganathan Colony
Mylapore, Chennai 600 005.

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

T.V.THAMILSELVI, J.

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C.M.A.No.2960 of 2024

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