



CMA. No.223 of 2023

CMA.No.223 of 2023

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T.V. TAMILSELVI, J.

Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the appellants.

2. The learned counsel for the appellants brought to the notice of this Court that in the order dated 03.06.2025 in CMA.No.223 of 2023, in paragraph No.6 of the judgment, the loss of income of the deceased/Mathaiyan has been erroneously calculated as “1/4” instead of “1/3”. Further, he sought to add the words “ including pay and recover” in paragraph No.7, in the last line, before the words “remains unaltered”.

3. Considering the submissions of the learned counsel for the appellants, the calculation tabular column of the paragraph No.6 shall be corrected as follows:-



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S.No.	Description	Amount awarded by Tribunal	Awarded by this Court
1.	Loss of Income [9000x12x9=9,72,000/- (Rs.9,72,000 – 1/3 = Rs.3,24,000) after deducting 1/3 = 6,48,000/-	Rs. 3,20,000/-	Rs.6,48,000/-
2.	Loss of love and affection (30,000/- x 3)	Rs.60,000/-	Rs.90,000/-
3.	Medical Expenses	Rs.10,000/-	Rs.10,000/-
4.	Funeral Expenses	Rs.25,000/-	Rs.25,000/-
	Total	Rs.4,15,000/-	Rs.7,73,000/-

4. In paragraph No.7, the last line shall be corrected to insert the words “ **including pay and recover**” before the words “remains unaltered. No costs.”. In all other aspects, the order dated 03.06.2025 in CMA.No.223 of 2023 shall remain unaltered.

5. Registry is directed to carry out the necessary corrections in the order dated 03.06.2025 in CMA.No.223 of 2023 and issue a fresh order copy.

18.06.2025

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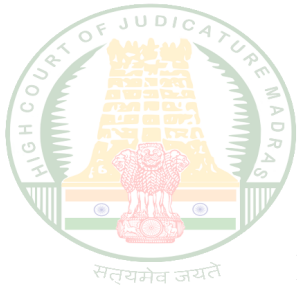
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T.V.THAMILSELVI, J.

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18.06.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.223 of 2023

1. Perumayi,
Wife of Late Mathaiyan,

2. Kumar
Son of Late Mathaiyan

3. Vennila
Daughter of Late Mathaiyan

...Appellants

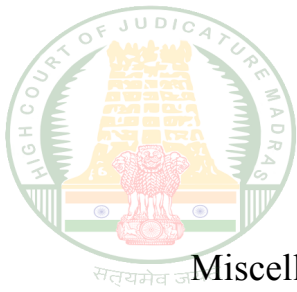
Vs.

1. S.Prasath,
Son of Selvam

2. National Insurance Company Ltd,
T.P.Hub Office, L.R.N.Building,
Saradha College Road,
Salem

...Respondent

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988), to enhance the compensation of Rs.5,18,000/- (Rupees Five lakhs and Eighteen Thousand only) modifying the Judgement dated 01.07.2022 in MCOP.No.655 of 2020 on the file of the Special District Judge, MCOP Tribunal, Salem by allowing this Civil



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Miscellaneous Appeal.

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For Appellants : Mr.P.Jagadeesan

For R1 : No appearance

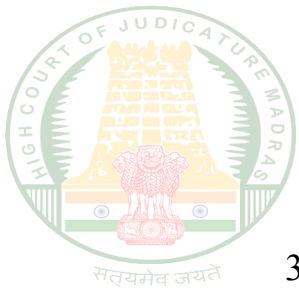
For R2 : Mr.S.Vadivel

J U D G M E N T

This Civil Miscellaneous Appeal has been filed Challenging the award passed by the Special District Judge, MCOP Tribunal, Salem made in M.C.O.P.No.655 of 2020 dated 01.07.2022

2. The Tribunal has passed the compensation award amount under below:-

<i>Sl.No</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>
1.	Loss of Income [8,000x12x5=) 48,000-1/3 (1,60,000)	Rs.3,20,000/-
2.	Loss of love and affection (20,000x3)	Rs.60,000/-
3.	Medical expenses	Rs.10,000/-
4.	Funeral Expenses	Rs25,000/-
	Total	Rs.4,15,000/-



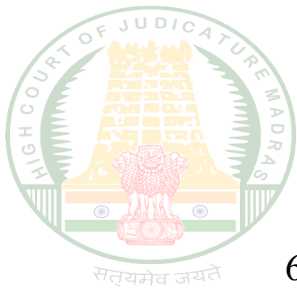
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3. The learned counsel for the appellants submitted as per the postmortem report Ex.P4 the age of the deceased was approximate 60 years but the Tribunal has erroneously fixed the age of the deceased as 65 and applied multiplier method in this case is 5" as such is erroneous one. He further submitted that as per the income certificate Ex.P10 he was lossed salary as Rs.9,000/- and the same was not considered by the Tribunal.

4. The learned counsel for the 2nd respondent submitted that the Tribunal taking into consideration all the relevant documents has rightly fixed the compensation, which does not require any interference. Hence, he prayed for dismissal of this appeal.

5. But as per the Ex.B4 he was approximate aged about 60 years but the trial Judge has fixed the age of the deceased 65 years, without any specific material, the age was fixed by the Tribunal is set aside. So also the income as per the certificate, he drawn salary of Rs.9,000/- the Tribunal has fixed the salary at Rs.8,000/- also set aside.



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6. In the light of the above, this Court modifies the compensation in the following manner

<i>Sl.</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>	<i>Awarded by this Court</i>
1.	Loss of Income [9,000x12x9=) 9,72,000/--1/4 (2,43,000)	Rs.3,20,000/-	Rs.7,29,000/-
2.	Loss of love and affection (30,000x3)	Rs.60,000/-	Rs.90,000/-
3.	Medical expenses	Rs.10,000/-	Rs.10,000/-
4.	Funeral Expenses	Rs.25,000/-	Rs.25,000/-
	Total	Rs.4,15,000/-	Rs.8,54,000/-

7. In the result, this Civil Miscellaneous Appeal is allowed in part and the compensation awarded by the Tribunal at Rs.4,15,000/- is hereby enhanced to Rs.8,54,000/- together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit. The 2nd respondent is directed to deposit the entire award amount now determined by this Court along with interest, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment, to the credit of MCOP.No.655 of 2020 on the file of the Special District Judge, MCOP Tribunal, Salem. On such deposit, the appellants are permitted to withdraw the award amount now determined by this Court,



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along with interest, less the amount, if any, already withdrawn, as per the apportionment fixed by the Tribunal by making proper application before the Tribunal. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.

03.06.2025

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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T.V.THAMILSELVI,J.

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To.

1. The Special District Judge, MCOP Tribunal,
Salem.
2. The Section Officer,
VR Section,
High Court of Madras.

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03.06.2025