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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2359 of 2025

1. Sathish Kumar
2. Prabu

...Appellants

Vs

1.C.Ramalingam
2.The Branch Manager
United India Insurance Company Ltd.,
NO.14/1-778, Salem Main Road,
Puduchampalli
Raman Nagar Post
Mettur Dam, Salem District 636 403

..Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.472 of 2022 dated 06.07.2024 on the file of the Exclusive Motor Accident Claims Tribunal, Dharmapuri.

For Appellant : Mr.C.Prabakaran

For Respondents : Mr.D.Venkatachalam

J U D G M E N T

This appeal has been filed by the claimant seeking enhancement of compensation under the impugned award dated 06.07.2024 passed by the Exclusive Motor Accident Claims Tribunal, Dharmapuri, in MCOP.No.472 of 2022.



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

On 26.04.2022 at about 10.20 hours, while the deceased baby was walkin on the mud portion of Morappur-Dhamapuri Main Road, near Rajapettai Erikarai, a lorry bearing Regn.No.TN-52-X-0860, came from behind and hit the deceased Baby due to which the deceased sustained grievous injuries and died on the spot. Claiming that the driver of the lorry is responsible for the accident, the claimants have filed a claim petition before the Tribunal claiming a sum of Rs.45,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.13,81,000/-.

3. The appellants/claimants, unsatisfied with the quantum of compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.

4. Heard the learned counsel for the appellants and learned counsel for the second respondent and perused the materials available on record.



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5. The learned counsel appearing for the Appellants/Claimants submitted that the Tribunal failed to note that the deceased as a collie was earning a sum of Rs.25000/- p.m., and has fixed his monthly income as Rs.12000/- and awarded a sum of Rs.12,60,000/- only towards loss of dependency. It failed to note the deceased was aged about 41 years at the time of accident and thus the future prospects of 30% has to be taken into consideration for calculating loss of dependency. It failed to note that the deceased was a married woman and there are two claimants who have lost their sole dependants and therefore 1/3 towards personal expenses to be deducted but it has erroneously deducted 1/2 and the same is liable to be set aside. The Tribunal erred in awarding meagre amount on all other heads also and the same needs interference of this court for enhancement. Hence, he prayed to enhance the compensation.

6. Per contra, the learned counsel appearing for the second respondent/Insurance Company has submitted that the compensation claimed by the appellants is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellants/claimants and hence, the



award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. This court, considering the cost of living and the accident is of the year 2022, and that the deceased was doing agricultural coolie work and house maid work, is inclined to fix Rs.16,000/- per month. Since the age of the deceased is 41 years at the time of accident, it is just to add 25% towards future prospects and the multiplier '14' to be adopted for calculating loss of dependancy and thus arrive at a sum of Rs.16,80,000/- on the said head.

(16000 + 25%= 4000; 16000 +4000= 20000; 20000x12= 2,40,000; 2,40,000x14=33,60,000; 33,60,000 x ½=**16,80,000**).

8. Insofar as the heads such as loss of love and affection, loss of estate, funeral expenses are concerned, the Tribunal has granted a just and fair compensation and hence, they do not call for any interference of this court and the same remains unaltered.

9. In the light of the above discussion, the compensation awarded by the Tribunal is modified as follows:



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<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Loss of dependancy	12,60,000/-	16,80,000/-
2.	Loss of consortium	NIL	NIL
3.	Loss of love and affection	88,000/-	88,000/-
4.	Filial consortium	NIL	NIL
5.	Loss of Estate	16,500/-	16,500/-
6.	Funeral Expenses	16,500/-	16,500/
7.	Medical Expenditure	NIL	NIL
8.	Total	13,81,000/-	18,01,000/-

The amount is rounded off to Rs.18,01,000/-

10. Thus, the appellants/claimants are entitled to the enhanced compensation of Rs..18,01,000/- (Rupees Eighteen Lakhs and One Thousand only).

11.The Civil Miscellaneous Appeal is partly allowed. Consequently, connected miscellaneous petition is closed. No costs.

12. The second respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy



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of this judgment. On such deposit, the appellants/claimants are permitted to withdraw the enhanced award amount by filing necessary application before the Tribunal. Other aspects of the order of the Tribunal remains the same.

13. Since the compensation amount now awarded is Rs.18,01,000/-, it is made clear that the claimants has to pay the appropriate Court fee in order to receive the enhanced award amount.

Index : Yes/No

26.08.2025

Speaking/Non-speaking Order
gv



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To

- 1.The Exclusive Motor Accident Claims Tribunal, Dharmapuri.
- 2.The Section Officer,
VR Section, High Court, Madras.



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T.V.THAMILSELVI.,J
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For Appellant : Mr.C.Prabakaran

For Respondents : Mr.D.Venkatachalam

ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant.

2. It is brought to the notice of this Court that some typographical error has been crept in paragraph No.12 of the Judgment dated 26.08.2025. The said paragraph No.12 is to be replaced as follows:



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"12. The second respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited. **It is made clear that the enhanced amount should be deposited together with interest at 7.5% per annum, from the date of claim petition till the date of deposit** within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants/claimants are permitted to withdraw the enhanced award amount by filing necessary application before the Tribunal. Other aspects of the order of the Tribunal remains the same.

3. Registry is directed to incorporate the above paragraph No.12 quoted above and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 26.08.2025 shall remain unaltered.

Index : Yes/No
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smn

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smn

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