



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

CMA No. 2938 of 2025

1. P. Dhanalakshmi
2. S. Lakshmi
3. P. Sathiya
4. S. Subha
5. M. Navin Kumar

Vs

... Appellants

1. Abdul Munaff (Died)

2. United India Insurance Co. Ltd.,
Motor Third Party Hub, Silingi Building,
4th Floor, No.132,
Greens Road, Chennai 600 006.

.. Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act praying to allow this Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgment and Decree, dated 12.02.2025 passed in M.C.O.P.No.3951 of 2023, on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, to deal with Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellant : Mr. K.Balaji

For Respondents : Mr. K. Swaminathan

JUDGMENT

The dependants of the deceased Smt. Parvathi Malayandi, who met with a road accident have preferred the Civil Miscellaneous Appeal against the Award dated 12.02.2025 passed in MCOP.No.3951 of 2023 on the file of



the Special Sub Court No.I, Small Causes Court, Chennai for enhancement of compensation.

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2. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The manner in which the accident has occurred is not in dispute.

4. The Tribunal, upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.8,02,000/- and the details of which are tabulated hereunder:

S. No.	Heads	Amounts awarded by Tribunal (in Rs.)
1.	Total loss of dependency	5,67,000
2.	Loss of Consortium	2,00,000
3	Loss of Estate	15,000
4	Funeral Expenses	15,000
5	Transport Charges	5,000
	Total	8,02,000

5. The grievance of the appellants are two fold;

(a) The notional income fixed by the Tribunal in respect of the deceased as Rs.9000/- is less;

(b) As the claimants are five in number, the amount



awarded by the Tribunal under the head loss of consortium,
is not adequate.

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6. It is the evidence of PW1 that the deceased was a flower vendor by avocation and was earning a sum of Rs.1500/- per day at the time of accident. Based on the above said facts, the Tribunal has fixed the notional income of the deceased at Rs.9000/-. It is seen that the accident occurred on 08.06.2023. As per Ex.P.10-death certificate, the age of the deceased is taken as 65 years. To substantiate the income of the deceased, no document was marked. In consideration of the above said details, this Court fixes the notional income of the deceased at Rs.11,000/-.

7. As per the law laid down by the Honourable Supreme Court, in the case of **Sarla Verma and others vs. Delhi Transport Corporation and another (2009) 2 TNMAC 1 SC**, in respect of deduction for personal and living expenses of the deceased, as the claimants are five in number, 1/4th has to be deducted from the salary of the deceased and the relevant multiplier to be adopted is '7m' for computing loss of dependency. In view of the above discussion, for computing loss of dependency, the following formula emerges:

$$\text{Rs.11000} - 1/4^{\text{th}} \text{ of Rs.11000} \times 12 \times 7\text{m} = \text{Rs.6,93,000/-}$$

8. The Honourable Supreme Court in the case of **National Insurance Company Vs. Pranay Sethi, 2017 2 TNMAC 609 (SC)** has held that each of



the dependants of the deceased would be entitled for Rs.40,000/- towards loss of consortium. It is seen that the claimants herein are the children of the deceased Smt. Parvathi Malayandi. The Tribunal has rightly awarded Rs.2,00,000/- under the head of loss of consortium, granting Rs.40,000/- to each of the dependant. Hence, the compensation awarded by the Tribunal in respect of loss of consortium is hereby confirmed.

9. The amounts awarded by the tribunal under the other heads such as Loss of Estate, Funeral Expenses, Transportation Expenses also appears to be reasonable and acceptable. Hence, the same needs no interference by this Court.

10. The compensation awarded by the tribunal and the enhanced compensation awarded by this court after re-work is tabulated hereunder:

<i>Heads</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
For loss of Dependency	Rs.5,67,000	Rs.6,93,000 (enhanced)
For Loss of Consortium	Rs.2,00,000	Rs.2,00,000 (confirmed)
For Loss of Estate	Rs. 15,000	Rs. 15,000 (confirmed)
For Funeral Expenses	Rs. 15,000	Rs. 15,000 (confirmed)
For Transportation Expenses	Rs. 5000	Rs. 5000 (confirmed)
Total	Rs.8,02,000	Rs.9,28,000 (enhanced)

11. Thus, this Court awards Rs.9,28,000/- towards compensation for the claimants along with interest at the rate of 7.5% per annum from the date



of petition till the date of realisation.

12. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced from Rs.8,02,000/- to Rs.9,28,000/-.
- The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation of Rs.9,28,000/- awarded by this Court to the credit of MCOP.No.3951 of 2023 on the file of Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai, along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited within a period of eight weeks from the date of receipt of a copy of this judgment.
- On such deposit, the appellants/claimants are at liberty to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal as apportioned by the Tribunal.
- The claimants are directed to pay the court fee for the enhanced compensation amount, if required. The Tribunal shall disburse the enhanced amount upon production of the certified copy showing proof of payment of court fee by the claimants/appellants.



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Index:Yes/No

Internet:Yes

To

The Motor Accident Claims Tribunal
(Special Sub Court No.1,
Small Causes Court, Chennai.



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R.KALAIMATHI J.

msr

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