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CMA No. 1086 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 01-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1086 of 2025**

1. SELVI

W/o. Rajendran, Res. at No. 1-209,  
Malaiyampalayam Kaatuvalavu,  
Thoramangalam, Jalakandapuram,  
Salem.

2. Suresh

S/o. Rajendran, Res. at No. 1-209,  
Malaiyampalayam Kaatuvalavu,  
Thoramangalam, Jalakandapuram,  
Salem.

3. Gopi

S/o. Rajendran, Res. at No. 1-209,  
Malaiyampalayam Kaatuvalavu,  
Thoramangalam, Jalakandapuram,  
Salem.

Appellant(s)

Vs

1. S.Jawahar

S/o. Senthilnathan, No. 2-3-7A, Pillayar  
Koil Street, Veerakkalpudur, Gonur,



Kunandiyur, Mettur Taluk, Salem.

2.National Insurance Company Ltd

Divisional Office-1, LRN Building 2nd  
Floor, Sarada College Road, Salem.

Respondent(s)

**CMA No. 1086 of 2025**

**PRAYER**

To set aside the Award dated 02.12.2023 made in MCOP No. 1325 of 2022 on the file of the Special District Judge, MCOP Tribunal, Salem and enhance the compensation and thus render justice.

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For Appellant(s): L.Ramanathan

For Respondent(s): M/s.R.Sreevidhya For R2

**JUDGEMENT**

This appeal has been filed to set aside the Award dated 02.12.2023 made in MCOP No. 1325 of 2022 on the file of the Special District Judge, MCOP Tribunal, Salem and enhance the compensation.

2. On 26.04.2022, at about 06.30 p.m., when the deceased Rajendran was riding a two wheeler bearing registration No. TN 52 K 2113 along with the Selvi/appellant herein as a pillion rider on his extreme left in Nangavalli –

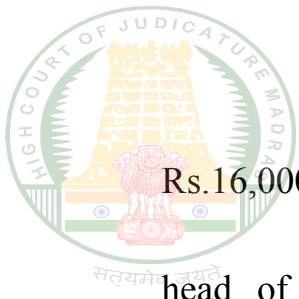


Kunjandiyur main road near Ottupallam Speek break, the Maxi Cab vehicle bearing registration No. TN 37 CJ 1013 was driven by its driver in a rash and negligent manner hit behind the two wheeler, due to which, the deceased sustained grievous injuries died on 08.05.2022. Thereafter, the claimants filed the petition claiming compensation. The respondent insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a compensation of Rs.10,05,000/-. Challenging the quantum of compensation the claimants filed this appeal.

3. The learned counsel for the appellant submits that the deceased was working as priest in temple but without considering the above, the tribunal awarded very meagre amount as notional income and other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the contesting respondent submits that the tribunal has rightly passed the award which needs no interference.

5. Considering the fact that the accident was happened in the year 2021 and also considering the cost of living at the time of the accident, this Court is inclined to enhance the notional income of the deceased from Rs.10,000/- to



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Rs.16,000/-. Accordingly, the claimant is entitled to **Rs.15,48,200/-** under the head of loss of dependency. Further, this Court is inclined to enhance compensation under the head of loss of consortium from Rs.40,000/- to **Rs.1,20,000/-** and this Court inclined to reduce the compensation for funeral expenses from Rs.25,000/- to **Rs.15,000/-**. Further, the tribunal has failed to award compensation under the head of loss of estate. Hence, this Court is inclined to award **Rs.15,000/-** under the head of loss of estate. Except above modification, award passed by the tribunal in other heads remains unchanged.

| S.No. | Heads                     | Compensation awarded by the tribunal. | Compensation awarded by this Court |
|-------|---------------------------|---------------------------------------|------------------------------------|
| 1.    | Loss of income/dependence | Rs.8,80,000/-                         | Rs.15,48,800/-                     |
| 2.    | Loss of estate            | Nil                                   | Rs.15,000/-                        |
| 3.    | Loss of consortium        | Rs.40,000/-                           | Rs.1,20,000/-                      |
| 4.    | Funeral expenses          | Rs.25,000/-                           | Rs.15,000/-                        |
| 5.    | For love and affection    | Rs.60,000/-                           | Rs.60,000/-                        |
|       | Total                     | Rs.10,05,000/-                        | Rs.17,58,800/-                     |

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 17,58,800/-**. The 2<sup>nd</sup> respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum



from the date of claim petition to the date of realisation, to the credit of MCOP

No. 1325 of 2022 on the file of the Special District Judge, MCOP Tribunal,

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Salem, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

**01-07-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.S.Jawahar

S/o. Senthilnathan, No. 2-3-7A, Pillayar  
Koil Street, Veerakkalpudur, Gonur,  
Kunandiyur, Mettur Taluk, Salem.

2.National Insurance Company Ltd

Divisional Office-1, LRN Building 2nd  
Floor, Sarada College Road, Salem.

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

4. The Special District Judge, MCOP  
Tribunal, Salem



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**T.V.THAMILSELVI J.**  
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