



C.M.A.No.457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.06.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

C.M.A.No.457 of 2024

1.Perumal Ammal
2.Murugan

...Appellants

Versus

1.APL Logistics Vascor
Automotive Private Limited,
Plot No.19, 4th Floor, Sewa Tower,
Anath Road, Near Maruti Udyog Material Gate,
Udyog Vihar, Phase IV, Sector 18, Gurgaon,
Haryana – 122 015.

2.The Oriental Insurance Co. Ltd.,
Third Party Claim Office,
N.No.116, O.No.115, Prakasam Salai,
Broadway, Chennai – 600 006.

...Respondents

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree of Motor Accidents Claim Tribunal, III Judge, Small Causes Court at Chennai made in MACT.O.P.No.4202/2018 dated 31.03.2022 praying to enhance the award amount.



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For Appellants : Mr.Amar D.Pandiya
For Respondent – 1 : Ms.J.V.Sandhiya Priyadharshini
For Respondent – 2 : Mr.M.Krishnamoorthy

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellants/claimants seeking to enhance the quantum of compensation awarded by the learned III Judge, Motor Accidents Claim Tribunal, Small Causes Court, Chennai vide Award and Decree dated 31.03.2022 in M.C.O.P.No.4202 of 2018.

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

On 21.03.2018, Mr.M.Aravind (son of the appellant/claimants) and one Mr.Janakiraman were proceeding in Bangalore to Chennai National High Ways in TATA 407 Van bearing Registration No.TN-19-F-2128 and Mini Lorry bearing Registration No.TN-19-AZ-5572 respectively. While they were reaching Sunguvarchatiram Keparo Company, the TATA 407



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Van which was driven by said Aravind got punctured. Hence, in order to assist Aravind, the said Janakiraman stopped the Mini Lorry driven by him behind the TATA 407 Van by putting the indicator lights properly. At around 2.15 a.m., a Container Lorry bearing Registration No.NL-01-Q-6295 owned by 1st respondent and insured with 2nd respondent/Insurance Company which was driven by its driver in a rash and negligent manner suddenly dashed the Mini Lorry from behind, which in turn, dashed the TATA 407 Van. That apart, the Container Lorry proceeded further and dashed the said Aravind and rammed over centre medium, due to which, the said Aravind was thrown out and sustained severe head injuries and he died in the accident spot. Hence, the appellant/claimants (parents of the deceased Aravind) had filed a Claim Petition in M.C.O.P.No.4202 of 2018 against 1st respondent (owner of the Container Lorry) and 2nd respondent/Insurance Company, claiming a sum of Rs.30,00,000/- as compensation for the death of their son Aravind.

3. The 1st respondent (owner of the Container Lorry) remained *ex-parte* before the Tribunal.



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4. The 2nd respondent (insurer of the Container Lorry) had filed its counter statement denying all the averments made by the appellants/claimants in the Claim Petition.

5. Before the Tribunal, on the side of appellants/claimants, 2nd appellant (father of the deceased) examined himself as P.W.1 and Janakiraman (driver of the Mini Lorry) was examined as P.W.2 and 14 documents were marked as Exs.P1 to P14. On the side of 2nd respondent/Insurance Company, no witnesses were examined and no exhibits were marked.

6. On appreciation of the oral and documentary evidence, the Tribunal arrived at the finding that the accident occurred due to the rash and negligent act of the driver of the Container Lorry. Hence, the Tribunal held that being the insurer of the offending vehicle (Container Lorry), 2nd respondent/Insurance Company is liable to pay compensation to the appellants/claimants.



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WEB COPY 7. The Tribunal awarded a sum of Rs.19,34,400/- as compensation to the appellants/claimants. The break-up details of the compensation awarded by the Tribunal are as follows:

S.No.	Heads	Amount awarded under various Heads
1	Towards Loss of Dependency	Rs.18,14,400/-
2	Loss of Estate	Rs. 15,000/-
3	Funeral Expenses	Rs. 15,000/-
4	Transport Expenditure (Ambulance)	Rs. 10,000/-
5	Loss of Love and Affection to the 1 st and 2 nd appellants/claimants Rs.40,000/- each	Rs. 80,000/-
Total		Rs.19,34,400/-

8. The Tribunal partly allowed M.C.O.P.No.4202 of 2018 and directed the 2nd respondent/Insurance Company to pay the compensation of Rs.19,34,400/- (Rupees Nineteen Lakhs Thirty Four Thousand and Four Hundred Only) to the appellants/claimants with proportionate cost and interest at 7.5% per annum from the date of numbering of claim petition till the date of realization.



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WEB COPY 9. Now, the appellants/claimants have preferred this Civil Miscellaneous Appeal before this Court, seeking to enhance the quantum of compensation awarded by the Tribunal.

10. The learned counsel for the appellants/claimants submitted that though the appellant/claimants had claimed Rs.30,00,000/- as compensation for the death of their son Aravind, the Tribunal has awarded only a sum of Rs.19,34,400/- as compensation.

10.1. It is further submitted by the learned counsel for the appellants/claimants that the deceased Aravind was working as a heavy vehicle driver and he was earning Rs.20,000/- per month. While fixing the monthly income of the deceased, the Tribunal ought to have considered Ex.P6 (Driving License copy of the deceased) and Ex.P7 (Salary Certificate of the deceased), but, without considering the same, the Tribunal has erroneously fixed Rs.12,000/- as monthly income of the deceased.



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10.2. The learned counsel for the appellants/claimants also submitted that the amount which was fixed as monthly income of the deceased by the Tribunal is on the lower side. Therefore, the learned counsel for the appellants/claimants prayed that the notional monthly income of the deceased may be fixed as Rs.20,000/-.

11. On the other hand, the learned counsel appearing for 2nd respondent/Insurance Company submitted that apart from Ex.P7 (Salary Certificate of the deceased), the appellants/claimants have not produced any other documents before the Tribunal to prove that their deceased son was earning Rs.20,000/- per month. Hence, the Tribunal has fixed Rs.12,000/- as monthly income of the deceased.

12. In reply, the learned counsel for the appellants/claimants submitted that Ex.P7 (Salary Certificate of the deceased) which was produced by the appellants/claimants before the Tribunal is the sufficient income proof for fixing the notional monthly income of the deceased.



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WEB COPY 13. Heard the learned counsel for the appellants/claimants as well as the learned counsel appearing for 2nd respondent/Insurance Company and perused the materials available on record.

14. As far as this case is concerned, the deceased Aravind was the only son of appellants/claimants and he died in the accident took place in the year 2018. On the date of accident, the age of the deceased was 24 years. The deceased was unmarried and he was living with their parents (appellants/claimants). The deceased was working as a driver and he was having a valid driving license which was marked as Ex.P6 before the Tribunal.

15. The main contention of the learned counsel for the appellants/claimants is that the deceased Aravind was earning Rs.20,000/- as monthly income when he was alive and the appellants/claimants had produced the Salary Certificate of their deceased son Aravind before the Tribunal which was also marked as Ex.P7. However, without considering



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the same, the Tribunal has fixed Rs.12,000/- as monthly income of the deceased.

16. As rightly submitted by the learned counsel for the appellants/claimants, the amount which was fixed as monthly income of the deceased by the Tribunal is meagre.

17. Considering the year of accident, age and profession of the deceased at the time of accident, this Court is of the opinion that it would be just and reasonable to fix Rs.17,000/- as notional monthly income of the deceased Aravind. Thus, by adding 40% towards future prospects of the deceased, deducting 50% towards personal expenses of the deceased and applying the multiplier '18', the compensation under the head, 'Loss of Dependency' is enhanced as follows:

$$\text{Rs.17,000} + \text{Rs.6,800 (40\% of Rs.17,000)} \times \frac{1}{2} \times 12 \times 18 = \text{Rs.25,70,400/-}$$

18. The compensation awarded by the Tribunal under all other heads is just and reasonable and hence, the same are confirmed.



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WEB COPY 19. The break-up details of the enhanced compensation are as follows:

Sl.No.	Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award Confirmed or Enhanced or Granted or Reduced
1	Loss of Dependency	Rs.18,14,400/-	Rs.25,70,400/-	Enhanced
2	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
3	Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	Transport Expenditure (Ambulance)	Rs. 10,000/-	Rs. 10,000/-	Confirmed
5	Loss of Love and Affection to the 1 st and 2 nd appellants/claimants Rs.40,000/- each	Rs. 80,000/-	Rs. 80,000/-	Confirmed
Total		Rs.19,34,400/-	Rs.26,90,400/-	Enhanced by Rs.7,56,000/-

20. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.19,34,400/- awarded by the Tribunal is enhanced to Rs.26,90,400/- (Rupees Twenty Six Lakhs Ninety Thousand and Four Hundred only) together with interest at 7.5% per annum from the date of petition till the date of deposit. Out of the enhanced award amount,



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the appellants/claimants are entitled to Rs.13,45,200/- (Rupees Thirteen Lakhs Forty Five Thousand and Two Hundred Only) each. The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.26,90,400/-, after deducting the amount(s), if any, already deposited, along with interest at 7.5% per annum from the date of petition till the date of deposit (excluding the default period, if any), to the credit of M.C.O.P.No.4202 of 2018, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellants/claimants are permitted to withdraw their respective share of the award amount along with proportionate interest and cost, as per the apportionment ordered by this Court. The appellants/claimants are directed to pay the necessary Court fee, if any, on the enhanced award amount, before receiving the copy of this judgment. No costs.

24.06.2025

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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To

- 1.The III Judge,
Motor Accidents Claim Tribunal,
Small Causes Court, Chennai.
- 2.The Section Officer,
Vernacular Records Section,
High Court, Madras.



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T.V.THAMILSELVI, J.

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