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CMA No. 461 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 461 of 2024

1. K.Prabha

2. Minor K.Nikesh

3. Minor K.Mohith

S/o. Late Karuppaiah,

(2nd and 3rd Appellants are Minors

Rep.by Their Mother K.Prabha as

natural Guardian and Next Friend To

Minor appellants)

4. Meenachi

Appellants

Vs

1. Kalaivaniammal A.M

2.United India Insurance company Ltd.,

Old No.14, New No.27, Sudarsan

Building, Whites Road, Royapettai

Chennai

Respondents



PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgment and Decree dated 03.09.2022, passed in MCOP No.116 of 2019, on the file of the Motor Accidents Claims Tribunal No.1, Special District Court, Thiruvallur

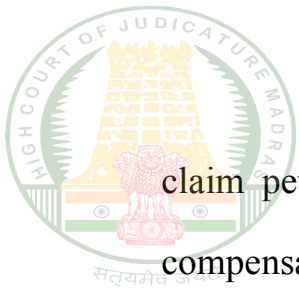
For Appellants: Mr.Amar Dineshbhai Pandiya

For Respondents: R1 - Died
Ms.I.Malar For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.116 of 2019, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, minor sons and mother of deceased Karuppaiah. The case of appellants is that on 07.09.2015 at about 01.00 p.m. when the deceased was returning after purchasing vegetables at Manavalanagar railway station junction road, in a two wheeler bearing Regn. No. TN-20 CH-0362 with a pillion rider, at that time, the driver of a bus bearing Regn. No. TN-73 C-5555 heading towards Poonamallee, dashed the deceased two wheeler and caused an accident. Due to which, the deceased sustained head injury as well as multiple grievous injuries all over the body, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the



claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.40,00,000/-.

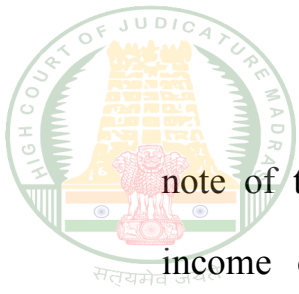
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3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.52,30,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	50,40,000
2.	Loss of estate	15,000
3.	Loss of consortium	1,60,000
4.	Funeral expenses	15,000
	Total compensation awarded (by adding Sl. Nos. 1 to 4)	52,30,000

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellants would argue that the tribunal had fixed the notional monthly income of deceased at Rs.30,750/- without taking



note of the salary slip series marked as Ex.P1 to Ex.P18 showing that the income of deceased comes around Rs.40,839/-. Hence, they prayed for enhancement of monthly income of deceased.

6. The learned counsel for 2nd respondent raised objections stating that the salary slip is not permanent one and based upon the work, he was given salary. Hence, the Tribunal had rightly fixed the notional income as Rs.25,000/-, which needs no interference.

7. Heard and considered the rival submissions made by learned counsel for appellant as well as 2nd respondent and perused the materials available on record.

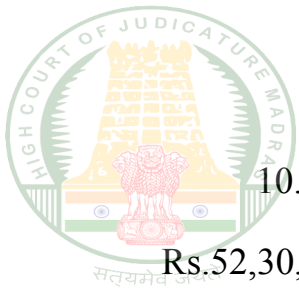
8. Considering both side submissions and on perusal of salary slip series Ex.P18, it shows that before the month of March 2015, he has received a sum of Rs.30,636/- and in the month of March 2015 he has received a sum of Rs.28,835/-, however in the month of July 2015, he has received the salary of Rs.40,839/-. So, the deceased was not in consistent of receiving permanent salary, but earned a sum around Rs.30,000/- to Rs.40,000/-. Moreover, he had received his salary depends upon the work allotted to him. He is employed as a technician in a company viz., Pyung HWA India Pvt. Ltd., from 03.04.2011 onwards. The accident was happened on 07.09.2015. Before he met with an



accident, he has received a sum around Rs.40,000/-. Therefore, this court is inclined to enhance his notional monthly income from Rs.25,000/- to Rs.30,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.30,000/- (add 40% future prospects) = 30000 + 12000 =42000 Rs.42000 x 12 = Rs.5,04,000/- <u>Income tax slab</u> (upto Rs.2,50,000/- - Nil from Rs.2,50,000/- -5,00,000/- – 10% = Rs.25000/- From 5,00,000-20,00,000 – 20% = 4000 x 20% = 800) Rs.5,04,000/- - 25,800 = 4,78,200/- Rs.4,78,200 x 16 - 3/4 =57,38,400/-	50,40,000	57,38,400	enhanced
2.	Loss of estate	15,000	15,000	confirmed
3.	Loss of consortium (Rs.40,000 x 4)	1,60,000	1,60,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
	Total	52,30,000	59,28,400	enhanced



10. Accordingly, the compensation awarded by the tribunal at Rs.52,30,000/- is enhanced to Rs.59,28,400/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 4 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. As far as the share of minor appellants viz., 2nd and 3rd appellants are concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellants' mother, once in three months.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

24-07-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special District Court-I Thiruvallur.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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