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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.172 of 2025

1.Palani
2.Minor.Lalitha
3.Minor.Menaga
4.Minor.Salammal
5.Minor.Poovarasan

(Minors are rep. by their next friend Mother
1st Appellant) ... Appellants

Vs.

1.The Manager,
M/s.Namakkal Logistics India Pvt. Limited.

2.Royal Sundaram General Insurance Company Limited,
Vishranthi Melaram Towers,
No.2/319, Rajiv Gandhi Salai (OMR) Karapakkam,
Chennai – 600 097. ... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount made in order dated 02.11.2022 made in M.C.O.P.No.401 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri by allowing this civil miscellaneous appeal.

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For Appellants : Mr.S.P.Yuaraj
For Respondents : R1 – NDW
Mr.G.Vasudevan for R2

J U D G M E N T

This appeal has been filed by the appellants/ claimants challenging the judgment and decree dated 02.11.2022 made in M.C.O.P.No.401 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri.

2.The learned counsel appearing for the appellants submitted that on 09.11.2020 at about 19.00 hours, the deceased Selvam was riding his two wheeler bearing Registration No.TN-29-BZ-8392 in Krishnagiri to Hosur NH Road near Adhyaman College, Hosur. At that time, the trailer lorry bearing Registration No.TN-04-AR-1005 belonging to the first respondent and insured with the second respondent, came behind the two wheeler in a rash and negligent manner and dashed on the backside of the two wheeler, due to which, the deceased lost his life.

3.The learned counsel appearing for the appellants further submitted that thereafter, the wife and children of the deceased Selvam/ appellants/ claimants filed claim petition before the Motor

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Accidents Claims Tribunal, claiming a sum of Rs.60 Lakhs as compensation. After adjudication, the Tribunal awarded a sum of Rs.22,78,000/- as compensation along with interest at the rate of 7.5% per annum from the date of petition viz., 18.01.2021 till the date of deposit with proportionate costs. Aggrieved by the same, the claimants have preferred this appeal seeking enhancement in compensation.

4.The learned counsel appearing for the appellants further submitted that the accident is of the year 2020 and the deceased was earning a sum of Rs.25,000/- per month, however, the Tribunal fixed the notional monthly income of the deceased as Rs.12,000/- and awarded a meagre compensation for loss of dependency and further submitted that the compensation awarded under the other heads also are meagre.

5.The learned counsel appearing for the second respondent Insurance Company submitted that the Tribunal after considering all the factual aspects, awarded the compensation which is just and reasonable and hence, the impugned judgment warrants no interference.

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6.Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the second respondent and perused the materials available on record.

7.The accident and the manner in which the accident happened are not disputed. This appeal has been filed only questioning the quantum of compensation. Hence, there is no need for any discussion with regard to negligence aspect.

8.The tribunal after elaborately discussing the factual aspects awarded a sum of Rs.20,25,000/- for loss of dependency, Rs.2,20,000/- for loss of consortium, Rs.16,500/- for funeral expenses, Rs.16,500/- for loss of estate and arrived at a total compensation of Rs.22,78,000/- with interest at the rate of 7.5% p.a. from the date of petition viz., 18.01.2021 till the date of deposit.

9.The accident is of the year 2020 and the deceased was aged 40 years at the time of death. Even in the absence of any income proof, for the relevant period a sum of Rs.18,000/- ought to have been fixed as the notional monthly income of the deceased. Hence, this

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Court fix a sum of Rs.18,000/- as the notional monthly income of the deceased. The Tribunal has rightly awarded 25% of the monthly income for future prospects and has rightly deducted 1/4 of the amount towards personal expenses and has rightly adopted the multiplier 15. Hence, the amount awarded for loss of dependency works out to Rs.30,37,500/- [Rs.18,000/- X 25% = Rs.4,500/-; Rs.18,000/- + Rs.4,500/- = Rs.22,500/-; Rs.22,500/- X 1/4 = Rs.5,625/-; Rs.22,500/- - Rs.5,625/- = Rs.16,875/-; Rs.16,875/- X 12 X 15 = Rs.30,37,500/-]. The amount awarded under the other heads, namely, loss of estate, funeral expenses and loss of consortium, in the opinion of this Court are just and reasonable and the same are confirmed.

10.Accordingly, the compensation amount is re-assessed as follows:

S.No.	***Description***	***Amount Awarded by the Tribunal***	***Amount Awarded by this Court***
1.	Loss of dependency	Rs.20,25,000/-	Rs.30,37,500/-
2.	Funeral Expenses	Rs. 16,500/-	Rs. 16,500/-
3.	Loss of estate	Rs. 16,500/-	Rs. 16,500/-
4.	Loss of consortium	Rs. 2,20,000/-	Rs. 2,20,000/-
	Total	Rs.22,78,000/-	Rs.32,90,500/-

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11.The claimants are entitled to total compensation of Rs.32,90,500/- along with interest at the rate of 7.5% p.a. from the date of petition viz., 18.01.2021 till the date of deposit.

12.The civil miscellaneous appeal is partly allowed. The judgment and decree dated 02.11.2022 made in M.C.O.P.No.401 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri, is modified to the above extent.

13.The second respondent Insurance Company is directed to deposit the modified/ enhanced award amount before the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the first appellant is permitted to withdraw her share as apportioned by the Tribunal, along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal. The appellants 2 to 5 are permitted to withdraw their shares as apportioned by the Tribunal, along with accrued interest and proportionate costs, on making proper and necessary application before the Tribunal and on production of

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necessary proof with regard to their majority. If the appellants 2 to 5 are still minors, their shares shall be kept in an interest yielding fixed deposit with anyone of the Nationalized Bank, initially, for a period of three years to be renewed at periodic intervals until they attain majority and the interest derived from out of the said share of the minors shall be paid to the first claimant/ mother every quarter to be utilized for the welfare of the said minors.

14.The appellants/ claimants shall not be entitled to any interest for the period of delay, if any, in filing/ representing the appeal. The appellants/ claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The MACT Tribunal, Special District Court, Krishnagiri, shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellants/ claimants.

15.The civil miscellaneous appeal is partly allowed. No costs.

28.01.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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To

1.The MACT Tribunal,
Special District Court,
Krishnagiri.

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