



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.985 of 2024

1. Sangeetha
2.Minor Lakshana ... Appellants

Vs.

1.Dhandapani
2.The Divisional Manager,
New India Assurance Company Ltd.,
No.1, Officer's Line
Vellore -1 ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the Decree and Judgment dated 21.04.2022 made in M.A.C.T.O.P.No.425 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai and pass orders.

For Appellant : Mr.P. Terry Chellaraha
For Respondent : Mr.K.J. Sivakumar



WEB COPY

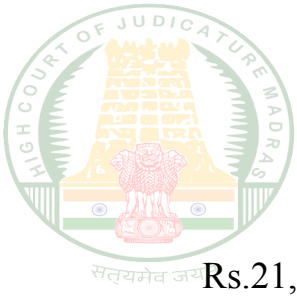
JUDGMENT

The appellants have filed this appeal against the Decree and Judgment dated 21.04.2022 made in M.A.C.T.O.P.No.425 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai .

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

On 21.05.2018 at about 11.00 a.m when the deceased Balakrishanan was riding in his two wheeler bearing Registration No. TN 22 Ba 8857 from Amaranathapudhur towards Chengam a car bearing Registration No. TN-57-W-8806 came in the back side direction from back side direction from Polur towards chengam and dashed against the deceased. The driver of the car is solely responsible for the cause of the accident. Due to the said accident the deceased was died and other persons sustained injuries. Hence, the legal heirs of the deceased has filed a claim petition before the Tribunal seeking compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



WEB COPY

Rs.21,36,800/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.9,000/- as monthly income of the deceased as he was earning Rs.25,000/- per month at the time of accident. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials available on record



WEB COPY

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.19,27,800/- for total loss of income; Rs.1,76,000/- towards loss of consortium; Rs.16,000/- each towards loss of estate and funeral expenses.

9. Considering the occupation of the deceased it would be just and appropriate to fix Rs.18,000/- as his monthly income As per the decision rendered in the case of *National Insurance Co. vs Pranay sethi and others*, reported in **2017 (2) TNMAC 601** 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his legal heirs. Considering the age of the deceased 1/4th of the income is to be deducted towards the deceased's personal expenses and as per the decision rendered in *Sarla Verma and others vs. Delhi Transport Corporation and another*, reported in **(2009) 6 SCC 121**, the proper multiplier to be adopted in the instance case is 17.

Calculation

Notional Income = Rs.18,000/-

40% Future Prospects = 18,000 + 7,200 = 25,200/-

After 1/4 deduction = 25,200 – 6,300 = Rs.18,900/-



WEB COPY

Loss of dependency

= Rs.18,900 x 12 x 17

= Rs.38,55,600/-. The compensation awarded under the other

heads are reasonable and does not require interference of this Court.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income	19,27,800/-	38,55,600/-
2.	Loss of consortium	1,76,000/-	1,76,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral Expenses	16,500/-	16,500/-
	Total	Rs.21,36,800/-	Rs.40,64,600/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.21,36,800/- to Rs.40,64,600/-**, which shall carry interest at the rate of 7.5% per annum.



WEB COPY

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.21,36,800/- to Rs.40,64,600/-**.

iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent/New India Assurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., **Rs.40,64,600/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.A.C.T.O.P.No.425 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.



WEB COPY

v. On such deposit being made, the appellants/claimants is at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal, after following due process of law.

vi. The second appellant being minor, is directed to have her respective shares of the award amount invested in any one of the Nationalized Banks under a Fixed Deposit Scheme initially **for a period of three years** which shall be renewed periodically until she attains majority. The 1st appellant/1st claimant, being the natural guardian of the minor claimant, is permitted to withdraw the interest accrued thereon **once in three months**, and the same shall be utilized for the welfare of the minor claimant.

vii. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

13.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

smn

7 of 9



WEB COPY

To

1. The Motor Accident Claims Tribunal, Special Sub Court,
Tiruvannamalai.
2. The Divisional Manager,
New India Assurance Company Ltd.,
No.1, Officer's Line
Vellore -1
3. The Section Officer, V.R. Section, High Court of Madras.



WEB COPY



T.V.THAMILSELVI, J.

smn

C.M.A.No.985 of 2024

13.08.2025

1/2