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CMA No. 3099 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3099 of 2023

S.Selvi

Appellant

Vs

K.Arjunan (since Deceased)

1. The Manager

M/s. United India Insurance Co. Ltd.

No.24, Whites Road, chennai-600014

2.Kalaivani

W/o.Arjunan

3.Anandakumar

S/o.Arjunan

4.Abi

s/o.Arjunan

Respondents



WEB PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the compensation amount awarded in the Judgment and decree dt. 22.06.2023 made in MCOP No.836/2019, on the file of the MACT/In the II Court of Small Causes, Chennai

For Appellant: Mr.A.Sathishkumar For
Mr.C.Thangaraju

For Respondents: Ms.M.Rathnathara For R1
R2 To R4 - Batta Due

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.836 of 2019, the appellant/petitioner had preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellant is daughter of deceased Pappa. The case of appellant is that on 02.12.2018 when the deceased was a pedestrian on the left side of the Kattupudur to Andapuram Road, near Gandhi Nagar, the 1st respondent driven his two wheeler bearing Regn. No. TN-48 AU-3768 in a rash and negligent manner dashed on the deceased and caused an accident. Due to which, the deceased sustained head injury as well as injuries all over the body, for which she underwent treatment in the hospital, but she died inspite of treatment. Under



these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.17,00,000/-.

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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 a two wheeler. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.3,29,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	2,52,000
2.	Loss of consortium	44,000
3.	Loss of estate	16,500
4.	Funeral expenses	16,500
	Total compensation awarded (by adding Sl. Nos. 1 to 4)	3,29,000

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



5. The learned counsel for appellant would argue that the accident was happened in the year 2018 and she was aged about 57 years, but the tribunal had erroneously fixed her age as 63 years. He would also submit that since she worked as a coolie, she had earned a sum of Rs.10,000/-, but without considering the same, the tribunal had fixed the notional income as Rs.6000/-. The learned counsel also pointed out that due to the accident, the deceased had sustained grievous injury and she was admitted in hospital on 02.12.2018 and thereafter, she died due to the injuries sustained by her on 18.12.2018, but the medical expenses for the treatment was not considered by the tribunal. To that effect, he relied the medical bills, which were marked as Ex.P2 before the tribunal. Hence, he prayed for enhancement of compensation.

6. The learned counsel for 1st respondent raised objections stating that as per Ex.P8, which is the copy of aadhar card, her birth of year is 1975 and as per Ex.P3 death summary, Ex.P4 post-mortem certificate and Ex.P6 death certificate, the tribunal had rightly fixed her age as 63 years. He would also submit that there is no documentary proof produced on the side of appellants for the income derived by her as a coolie around Rs.10,000/-. Hence, the Tribunal had rightly fixed the notional income as Rs.6000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellant as well as 1st respondent and perused the materials available on record.



8. On seeing the facts, it reveals that the accident was happened in the year 2018 and since she had worked as a coolie, she would have earned Rs.10,000/- per month. Therefore, this Court is inclined to enhance the notional monthly income of the deceased Pappa from Rs.6000/- to Rs.10000/-. Furthermore, the learned counsel for appellant argues that due to the accident, the deceased had sustained grievous injury and she was admitted in hospital on 02.12.2018 and thereafter, she died due to the injuries sustained by her on 18.12.2018, but the medical expenses for the treatment was not considered by the tribunal. To that effect, he relied the medical bills, which were marked as Ex.P2 before the tribunal. On perusal of lower court records, Ex.P2 issued by Atchaya Hospital shows that she had incurred total medical expenses of Rs.2,77,048/-, for which original bills were annexed along with claim petition on the side of appellant, but it was not considered by the tribunal. Accordingly, the bills are to be taken into consideration and hence, this Court is inclined to award a sum of Rs.2,00,000/- towards medical expenses. Moreover, on further perusal of records, the fact reveals that the deceased was in hospital for more than 17 days, so, she was in need of attender, but the tribunal has not fixed any sum under the head of attender charges. Considering that, this Court is inclined to fix a sum of Rs.10,000/- towards attender charges. 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:

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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.10,000/- x 12 x 7 (multiplier) = Rs.8,40,000/- - 1/2 = 4,20,000	2,52,000	4,20,000	enhanced
2.	Loss of consortium	44,000	44,000	confirmed
3.	Loss of estate	16,500	16,500	confirmed
4.	Funeral expenses	16,500	16,500	confirmed
5.	Attender charges		10,000	awarded
6.	Medical expenses		2,00,000	awarded
	Total	3,29,000	7,07,000	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.3,29,000/- is enhanced to Rs.7,07,000/-. The first respondent insurance company herein 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 appellant is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is



concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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, II Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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