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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.01.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE M.DHANDAPANI**

**C.M.A.No.142 of 2025**

1. Raji Kannu
2. Royar
3. Ambiga
4. Chennammal

... Appellants

-VS-

1.M.Settu

2.The Divisional Manager,  
National Insurance Company Ltd.,  
Vellore-1, Vellore District,

... Respondents

**Prayer:-** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.1113 of 2022 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Tiruvannamalai, dated 12.12.2023.

For Appellant : Mr.S.Panneer Selvam

For Respondent

(For R2) : Mr.C.R.Krishnamoorthy R2

**J U D G M E N T**

This appeal has been filed by the appellants/claimants against the Judgment and Decree made in M.C.O.P.No.1113 of 2022 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Tiruvannamalai, dated 12.12.2023 seeking enhancement of compensation.



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2. It is the case of the appellants that 11.08.2014 at about 20.30 hours when the deceased was standing in front of her house at Gandhi Nagar Main Road, Thanipadi Village, at that time, the rider of the motor cycle bearing Reg. No.TN 25 AJ 9376 from Thanipadi to Tiruvannamalai in a rash and negligent manner and dashed on the deceased. Hence, the deceased got head injuries and sustained grievous injuries all over her body and immediately after the accident, she was admitted in the hospital and died. Thereafter, the appellants had filed a claim petition before Tribunal claiming compensation of Rs.7,00,000/-. After adjudication, the Tribunal has awarded a sum of Rs.5,77,200/- to the claimants.

3. The appellants/claimants have filed the present appeal seeking enhancement of compensation.

4. The learned counsel for the appellants submitted that the Tribunal has not awarded compensation towards love and affection and damages to clothes. Further the Tribunal ought to have awarded interest at the rate of 7.5% per annum. Therefore, this Court may interfere with the impugned award and modify the same.



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5. Per contra, the learned counsel appearing for the second respondent-Insurance Company contended that due to rash and negligent driving of the driver, the accident had happened. The compensation awarded by the Tribunal in favour of the appellant is just and reasonable. Hence, this Court may dismiss the petition.

6. Heard the learned counsel for either side and perused the materials available on record.

7. The fact in the present case is not in dispute and the manner of the accident is also not in dispute. For enhancement of compensation, the present appeal has been filed.

8. According to the appellants, the first respondent driving the two wheeler in a rash and negligent manner and dashed against the deceased and therefore, she sustained injuries and died. It is the main ground of the appellants that the Tribunal has awarded compensation towards loss of love and affection and damages to clothes and interest portion has to be modified, which the appellants are entitled for. This Court is inclined to interfere with the same and awarded a sum of Rs.1,60,000/- (Rs.40,000/- X 4 persons) and Rs.1,000/-



towards damages to clothes. Further, this Court is inclined to modify the interest at the rate of 7.5% per annum. The other heads awarded by the Tribunal is just and reasonable, which needs no interference. Accordingly, the order passed by the Tribunal stands modified as follows:

| <b>Heads</b>                               | <b>Amount awarded<br/>by the Tribunal<br/>(Rs.)</b> | <b>Modified Award<br/>Amount<br/>(Rs.)</b> |
|--------------------------------------------|-----------------------------------------------------|--------------------------------------------|
| Loss of income                             | 5,44,200                                            | 5,44,200                                   |
| Funeral expenses                           | 15,000                                              | 15,000                                     |
| Loss of estate                             | 15,000                                              | 15,000                                     |
| Additional amount on<br>conventional heads | 3,000                                               | 3,000                                      |
| Love and affection                         | .....                                               | <b>1,60,000</b>                            |
| Damages to clothes                         | ....                                                | <b>1,000</b>                               |
| Total                                      | 5,77,200                                            | 7,38,200/-                                 |

9.The compensation awarded by the Tribunal at Rs.5,77,200/- is enhanced to Rs. 7,38,200/-. The second respondent Insurance company is directed to deposit the entire 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 four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. Out of the total award amount the appellants are each entitled for Rs.1,84,550/- along with interest and costs. The



other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The appellants are not entitled for any interest in respect of default period.

**10.** In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

**25.01.2025**

*Rli*

Index: Yes/No

NCS : Yes/No

To

The Motor Accident Claims Tribunal,  
Principal District Judge, Tiruvannamalai



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**M.DHANDAPANI, J.**

*Rli*

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