C.M.A.No.3420 of 2024

T.V.THAMILSELVI, J.

Today, this Civil Miscellaneous Appeal is listed under the caption, "For Being Mentioned" at the instance of learned counsel for 2nd Respondent/Insurance Company.

2. The learned counsel appearing for 2nd Respondent/Insurance Company submitted that this Court vide Judgment dated 29.07.2025 partly allowed C.M.A.No.3420 of 2024. In the present case, the Tribunal had awarded a sum of Rs.11,44,000/- under the head, "Loss of Dependency" and this Court has enhanced the said amount as Rs.24,00,000/- by fixing Rs.16,000/- as notional monthly income of the deceased, adding 25% towards future prospects of the deceased, deducting 1/3rd towards personal expenses of the deceased and applying the multiplier '15'.

2.1. It is further submitted by the learned counsel for 2nd Respondent/Insurance Company that at the time of accident, the deceased was 50 years old and hence, following the principle laid down by the Honourable Supreme Court in the case of ***Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.*** reported in ***2009 (6) SCC 121,*** the Tribunal had rightly applied the multiplier '13', but, this Court has enhanced the Loss of Dependency by applying the multiplier '15'. Therefore, the learned counsel prayed that while determining the Loss of Dependency, multiplier '13' may be applied by this Court.

3. The learned counsel for Appellants/Claimants submitted that he has no serious objection for to determine the Loss of Dependency by applying the multiplier, '13'.

4. Considering the submissions made by the learned counsel on either side, this Court is inclined to apply the multiplier '13'. Thus, the Loss of Dependency is calculated as follows:

Rs.16,000 + Rs.4,000/- (25% of Rs.16,000) x 12 = Rs.2,40,000/-

Rs.2,40,000 – Rs.80,000 (1/3 of Rs.2,40,000/-) = Rs.1,60,000/-

Rs.1,60,000/- x 13 = Rs.20,80,000/-

5. In view of the above, observation made by this Court in the 3rd sentence of Paragraph No.11 of the Judgment dated 29.07.2025 in C.M.A.No.3420 of 2024 is modified as follows:

> *"11. ……………………………. Thus, fixing Rs.16,000/- as notional monthly income of the deceased, adding 25% towards Future Prospects, deducting 1/3rd towards personal expenses of the deceased and applying the multiplier '13', the amount awarded under the head, "Loss of Dependency" is enhanced as Rs.20,80,000/-."*

6. Since the amount awarded under the head, "Loss of Dependency" is enhanced as Rs.20,80,000/-, the total amount of compensation is also enhanced as Rs.22,33,000/-. Thus, in the Tabulation in Paragraph No.12 of the Judgment dated 29.07.2025 in C.M.A.No.3420 of 2024, the amount of Rs.24,00,000/- which has been mentioned as the amount awarded under the head, Loss of Dependency is replaced by the amount of Rs.20,80,000/- and the amount of Rs.25,53,000/- which has been mentioned as total

compensation awarded by this Court is replaced by the amount of Rs.22,33,000/-. Similarly, in Paragraph No.13 of the said judgment, the amount of Rs.25,53,000/- which has been mentioned as the enhanced compensation is replaced by the amount of Rs.22,33,000/-.

7. It is made clear that out of the enhanced compensation of Rs.22,33,000/-, 1st appellant (husband of the deceased) is entitled to Rs.11,33,000/- and appellants 2 & 3 (daughters of the deceased) are entitled to Rs.5,50,000/- each. Hence, the observation made by this Court in Paragraph No.13 of the said judgment regarding the apportionment of compensation entitled to the appellants is modified. Thus, Paragraph Nos.12 & 13 of the Judgment dated 29.07.2025 in C.M.A.No.3420 of 2024 reads as follows:

> *"12. In view of the above, the compensation awarded by the Tribunal is enhanced as under:*

S.No.	***Description***	***Compensation awarded by the Tribunal (Amount in Rs.)***	***Compensation awarded by this Court (Amount in Rs.)***
1	*Loss of Dependency*	*Rs.11,44,000/-*	*Rs.20,80,000/- (Enhanced)*
2	*Loss of Consortium*	*Rs.1,20,000/-*	*Rs.1,20,000/- (Confirmed)*
3	*Loss of Estate*	*Rs.16,500/-*	*Rs.16,500/- (Confirmed)*
4	*Funeral Expenses*	*Rs.16,500/-*	*Rs.16,500/- (Confirmed)*
Total		*Rs.12,97,000/-*	*Enhanced as Rs.22,33,000/-*

13. Accordingly, the Civil Miscellaneous Appeal is partly allowed and the total compensation of Rs.12,97,000/- awarded by the Tribunal is enhanced to Rs.22,33,000/- (Rupees Twenty Two Lakhs Thirty Three Thousand only). Out of the enhanced award amount, 1st appellant is entitled to Rs.11,33,000/- and appellants 2 & 3 are entitled to Rs.5,50,000/- each. The second respondent/Insurance Company is directed to deposit the said amount to the credit of M.C.O.P.No.3335 of 2019 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs less, the amount, if any, already deposited, within a period of six (6) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the share of the appellants directly to their bank accounts, through RTGS, within a period of two (2) weeks thereafter, upon production of proof with regard to payment of Court fee on the enhanced compensation by the appellants. Since the appellants valued the Appeal for Rs.25,03,000/- and restricted to Rs.7,00,000/-, they are directed to pay Additional Court Fee on the enhanced amount. No costs."

8. In all other aspects, Judgment dated 29.07.2025 made in C.M.A.No.3420 of 2024 shall remain unaltered. Registry is directed to issue a fresh judgment copy to all concerned, after carrying out the aforesaid modifications.

19.12.2025

mrr

T.V.THAMILSELVI, J.

mrr

C.M.A.No.3420 of 2024

19.12.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3420 of 2024

1. V.Subramanian
2.S.Ranjani
3.S.Vidhya ... Appellant(s)

Vs

1. P.Krushnamoorthi

2.United India Insurance Co. Ltd.
Motor Third Party Hub, Silingi
Building, 4th Floor, No.134, Greams
Road, Chennai-600006

Respondent(s)

PRAYER: This Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicle Act against the aaward dated 24.04.2024 made in MCOP No.3335/2019 on the file of the Motor Accidents Claims Tribunal, III Small Causes Court, Chennai.

For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mr. V.Dakshanamoorthy for R2
R1 - Unclaimed

ORDER

The above appeal is filed by the claimants seeking enhancement of the compensation awarded by the Motor Accidents Claims Tribunal, III Small

Causes Court, Chennai in M.C.O.P.No.3335 of 2019 dated 24.04.2024 for the death of the deceased S. Bhuvaneswari.

2. It is the case of the appellants that on 30.04.2019 at 21.00 hours when the deceased and the petitioners in MCOP.No.3336/2019 and in MCOP.NO.3337/2019 were travelling in a motorbike bearing Regn. No. TN 22 BQ 0785 driven by the petitioner in MCOP.No.3337/2019 along Velacherry Main Road opposite to Rajakilpakkam "32" Detal Clinic, at that time a Motorcycle bearing Reg.No.TN 11 AK 3309 came from Tambaram to Medvakkam direction driven in a rash and negligent manner without following traffic rules and regulations came and dashed against the Motorcycle (TN 22 BQ 0785). Due to which, the deceased sustained grievous head injuries and died on the way to hospital . A criminal case in Crl.No.210/CH1 of 2019 was registered by S13, Chrompet Traffic Investigation Tamabaram Police Station, Chennai against the rider of offending motorcycle stating that accident occurred due to the rash and negligent driving of the rider of the motorcycle bearing Reg.No.TN 11 AK 3309, the claimant who are the legal heirs of the deceased S.Bhuvaneswari have filed a claim petition claiming for a sum of Rs.38,00,000/- as compensation before the Tribunal in M.C.O.P.No.3335 of 2019.

3. Before the Tribunal, a common trial was conducted in MCOP.Nos.3335, 3336 and 3337 of 2019. On the side of the claimants, three witnesses were examined viz., P.W.1 to P.W.3 and 26 documents were marked viz., Ex.P.1 to Ex.P.26. Exs.C1 to C2 were marked as Court exhibits. On the side of the respondents, no witness and no documents marked. Upon consideration of the oral and documentary evidences,, the Tribunal awarded a sum of Rs.12,97,000/- as compensation to the appellants in the present appeal. Not satisfied with the same, the appellants have preferred the present appeal seeking enhancement.

4. Learned counsel appearing for the appellants submitted that the monthly income fixed by the Tribunal is on the lower side, which requires to be re-considered by this Court. He further submitted that the compensation awarded under the other heads are on the lower side, which also require to be enhanced. Accordingly, he prays for appropriate enhancement in this matter.

5. Per contra, learned counsel appearing for the second respondent/Insurance company submitted that by considering the oral and documentary evidence, the Tribunal has awarded just and reasonable compensation under various heads, which not require any enhancement. Accordingly, he prays for dismissal of the appeal.

6. The first respondent/ owner of the offending vehicle was called absent and remained exparte before the Tribunal.

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

8. There is no dispute as to the manner of accident and that liability fastened on the second respondent. Therefore, the said aspect need not be elaborated in this appeal. The only point that arises for consideration in this appeal is whether the Tribunal awarded just and reasonable compensation in respect of the claimants in MCOP.No.3335 of 2019.

9. The Tribunal has awarded a sum of Rs.11,44,000/- towards loss of dependency by fixing notional monthly income of the deceased at Rs.10,000/-. It is seen that the deceased was a Tailor at the time of accident and the Tribunal has fixed Rs.10,000/- as notional income. Taking note of the economic situation prevailing at that relevant time and also the facts and circumstances of the case, this Court is of the considered view that the monthly notional income fixed by the Tribunal is on the lower side and the same needs to be enhanced. Accordingly, this Court fixes the monthly income of the deceased as Rs.16,000/- instead of Rs.10,000/- fixed by the Tribunal.

10. The learned counsel for claimants further submitted that the Tribunal has erred in adopting the multiplier of 13. As per the judgment of the Hon'ble Apex Court in ***Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.,*** reported in (2009) 4 MLJ (SC) 997, the proper multiplier would be 15, since the age of the deceased was 50 at the time of death.

11. It is further submitted by the learned counsel for the appellants tthat the Tribunal erred in awarding 10% of Future prospects. As per the judgment of the Hon'ble Apex Court passed in SLP.(Civil) 25590/2104 dated 31.10.2017, ***National Insurance Co., Ltd., vs. Pranay Sethi and Others***, 25% of income is to be added towards Future Prospects. Thus, taking the monthly income at Rs.16,000/- and adding 25% towards Future Prospects and also adopting multiplier 15 and deducting 1/3rd towards personal expenses, the total loss of the dependency is calculated at Rs.24,00,000/-. As far as the compensation awarded under other heads are just, fair and reasonable and does not call for any interference and the same are confirmed.

12. In view of the above, the compensation awarded by the Tribunal is enhanced as under :-

S. No.	*Description*	*Awarded by the Tribunal (Amount in Rs.)*	*Awarded by this Court (Amount in Rs.)*
1	Total loss of dependency	**11,44,000/-**	**24,00,0000/- (enhanced)**
2	Loss of Consortium	**1,20,000/-**	**1,20,000/- (confirmed)**
3	Loss of Estate	**16,500/-**	**16,500/- (confirmed)**
4	Funeral Expenses	**16,500/-**	**16,500/- (confirmed)**
	Total	**Rs.12,97,000/-**	**Enhanced to Rs.25,53,000/-**

13. Accordingly, the Civil Miscellaneous Appeal is partly allowed and the total compensation of Rs.12,97,000/- awarded by the Tribunal is enhanced to **Rs.25,53,000/-**. The second respondent/Insurance Company is directed to deposit the said amount to the credit of M.C.O.P.No.3335 of 2019 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs less, the amount, if any, already deposited, within a period of six (6) weeks from the date of receipt of a copy of this judgment. The first appellant is entitled to Rs.10,53,000/-; 2nd and 3rd appellants are entitled to Rs.7,50,000/- each. On such deposit being made, the Tribunal is directed to transfer the share of the appellants directly to their bank accounts, through

RTGS within a period of two (2) weeks thereafter upon production of proof with regard to payment of Court fee on the enhanced compensation by the appellants. Since the appellants valued the appeal for Rs.25,03,000/- and restricted to Rs.7,00,000/- they are directed to pay additional Court fee on the enhanced amount. No costs.

29-07-2025

Jai
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1. The Motor Accidents Claims Tribunal,
   III Small Causes Court, Chennai.
2. The VR Section,
   High court of Madras.

T.V.THAMILSELVI, J.

jai

CMA No. 3420 of 2024

29-07-2025