



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1665 of 2025

SULOCHANA JANAKIRAMAN

(DIED)

1. Balaji,

S/o.Late Janakiraman

2.Durgadevi

D/o.Late Janakiraman

Appellant(s)

Vs

1.N.Balaji

S/o. A.Natarajan No.12, Bajanai Koil

Street, Mudichur, Kulam Bus Stop,

West Tambaram, Chennai 45

2.The New India Assurance Company

Ltd, Rep. by its Divisional Officer,

No.67, Ethel Harvey Road,

Sattur, Virudhunagar District.

Respondent(s)



PRAYER

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to allow the appeal and enhance the compensation amount made in award dated 24.06.2024 in MCOP No.30 of 2020 by the learned Motor Accident Claims Tribunal, Chief Judicial Magistrate Kanchipuram District @ Chengalpattu.

For Appellant(s): C.Neethi Mozhi

For Respondent(s): M/s. D. Parventhan For R1
M/s. R. Neethi Perumal Fo R2

JUDGEMENT

The appellants have filed this appeal seeking enhancement of the compensation awarded in M.C.O.P. No. 30 of 2020, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Kanchipuram District @ Chengalpattu, dated 24.06.2024.

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

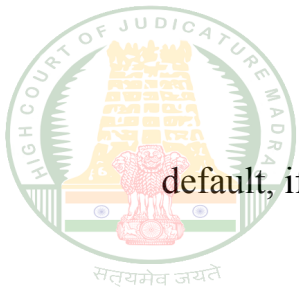
The case of the appellants / claimants is that, on 20.12.2019 at about 4:50 A.M., the deceased Janakiraman was walking on Tambaram to Mudichur Road, near Al-Madina Hotel, below the Maduravoyal bypass road. At that time, a two-wheeler bearing Registration No. TN-22-CT-7404, driven in a rash and negligent manner and at a terrific speed, came from the east to west direction



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and dashed against Janakiraman. As a result of the impact, he sustained severe head injuries, injuries on his left wrist, and multiple grievous injuries all over the body. He was immediately admitted to the Government Hospital, Chrompet, and later shifted to Parvathy Hospital, Chrompet. Subsequently, he was taken to Rajiv Gandhi Government General Hospital, Chennai-3. Despite intensive treatment, he succumbed to his injuries and died on 01.01.2020. The accident occurred solely due to the rash and negligent driving of the rider of the two-wheeler bearing Registration No. TN-22-CT-7404. Therefore, the first respondent, being the owner of the said vehicle, and the second respondent, being the insurer, are vicariously and statutorily liable to compensate the petitioners. Hence, this petition.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 5,93,925/- as compensation, directing the 2nd respondent to pay the said amount to the appellants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization (excluding the period of dismissal for



default, if any).

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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. Heard Mr. C.Neethi Mozhi, learned counsel appearing for the appellants, and Mr. D. Parventhan, learned counsel appearing for the 1st respondent and M/s. R. Neethi Perumal, learned counsel appearing for the 2nd respondent.

6. The learned counsel for the appellants submitted that the deceased was retired Railway Technician and he received Rs.18,500/- per month as pension. However, the Tribunal erroneously deducted 50% amount and fixed monthly family pension of the deceased as Rs.8,725/-. He therefore, prayed for enhancement of compensation.



7. On the other hand, the learned counsel appearing for the 2nd respondent contended that personal allowances were deducted, and the Tribunal rightly fixed the monthly family pension of the deceased at Rs.8,725/-. He further submitted that the amount awarded under the other heads are sustainable and prayed for dismissal of the appeal as being devoid of merit.

8. On considering the submissions of both parties and on perusal of the records, it is evident that the deceased was 74 years old, a retired Railway Technician, and was receiving a pension of Rs.18,500/- per month. Since, the deceased had two dependents, 1/3rd of the income was rightly deducted towards personal expenses, which requires no interference. However, with regard to the compensation, this Court is inclined to enhance the amount awarded under certain heads. Accordingly, the amount towards loss of estate is increased from Rs.15,000/- to Rs.30,000/-, and the amount towards loss of Consortium is enhanced from Rs.80,000/- to Rs.1,20,000/-.



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

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Sl. No	Heads	Amount Awarded by Tribunal (in Rs.)	Amount awarded by the High Court (in Rs.)
1.	Loss of Earnings	3,49,020	3,49,020
2.	Transport to Hospital	10,000	10,000
3.	Funeral expenses	15,000	15,000
4.	Loss of Estate	15,000	30,000
5.	Loss of Consortium	80,000	1,20,000
6.	Medical Expenses	1,24,905	1,24,905
	Total	Rs.5,93,925	Rs.6,48,925 Rounded off Rs.6,49,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs.5,93,925/- to Rs.6,49,000/-, which shall carry interest at the rate of 7.5% per annum.

10. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no



order as to costs.

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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 receipt of the court fee.

iv. The 2nd respondent is directed to pay the enhanced compensation amount of Rs.6,49,000/- (after deducting any amount already deposited), along 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.C.O.P. No. 30 of 2020 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Kanchipuram District @ Chengalpattu, within a period of six weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the 2nd respondent, the appellants/claimants are at liberty to withdraw the same as per the apportionment made by the Tribunal, after following due process of law.



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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Kanchipuram
District @ Chengalpattu.

2. The New India Assurance Co Ltd.
Rep by its Divisional Officer,
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T.V.THAMILSELVI J.
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