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C.M.A.No. 1396 of 2025

T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 06.06.2025 allowed partly the above Civil Miscellaneous Appeal. However, he would submit that in paras 8 and 9 of the judgment, the calculation arrived for awarding compensation needs to be modified Hence, he prayed to amend the same and requested to issue fresh order copy. Accordingly, the matter has been listed today.

3. Heard the contentions of learned counsel for appellant and perused the order.

4. Considering his submissions, paras 8 and 9 of the order shall be substituted as follows :-

“8. In the instant case, the claimants came up with a case that the deceased was a lorry technician and he was earning a sum of



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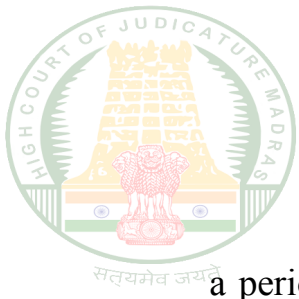
Rs.25,000/- per month. However, there was no evidence before the Tribunal for the income earned by the deceased. Therefore, the Tribunal proceeded to fix the notional monthly income at Rs.10,000/-. Considering the fact that the accident was happened in the year 2022 as well as considering the cost of living and his age, this Court is inclined to fix the notional monthly income at Rs.16,000/- and 40% can be added towards future prospects and thereby, the compensation under the head of loss of dependency is calculated as $\text{Rs.16,000} + 40\% \times 12 \times 16 \times 1/3 = \text{Rs.28,67,200/-}$. Furthermore, the Tribunal has granted only a sum of Rs.80,000/- under the head of 'Loss of love and affection'. This is on the lower side and hence, each of the claimant is entitled for a sum of Rs.44,000/- under this head. Accordingly, the total compensation under this head is fixed at Rs.1,76,000/- ($\text{Rs.44,000/-} \times 4$). The compensation fixed under the others heads are reasonable and it does not require the interference of this Court. Therefore, 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.16,000/- (add 40% future prospects) = 16000 + 6400 =22400 22400 x 12 x 16 (multiplier) = 43,00,800 x 2/3 = 28,67,200	9,60,000	28,67,200	enhanced
2.	Loss of love and affection (Rs.44000 x 4)	80,000	1,76,000	enhanced
3.	Funeral expenses	25,000	25,000	confirmed
	Total	10,65,000	30,68,200	

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the tribunal at Rs.10,65,000/- is enhanced to Rs.30,68,200/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The 2nd respondent insurance company 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



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a period of eight weeks from the date of receipt of this judgment to the credit of M.C.O.P.No. 950 of 2022 on the file of Motor Accident Claims Tribunal, Special District Judge, Salem. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 to 4 are entitled to share the amount proportionately as ordered by the Tribunal and the appellants 1 to 4 are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. No costs.”

5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.1396 of 2025 dated 06.06.2025 and issue fresh order copy to the appellant.

25.06.2025

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T.V.THAMILSELVI, J.

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C.M.A. No.1396 of 2025

25.06.2025