IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.3274 of 2025

1.S.Parthiban
2.P.Samuel(Minor)
(rep.by his father Parthiban as Guardian) ... Appellants

vs.

1.N.Rajendiran
2.The New India Assurance Co., Ltd.,
No.8, LIC Building,
NSC Bose Road, Parrys,
Chennai 600 001. ... Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to enhance the compensation awarded in the Judgment and Decree dated 06.12.2023 passed in M.C.O.P.No.968 of 2019 on the file of the Motor Accident Claims Tribunal / III Court of Small Causes, Chennai.

For appellants : Mr.K.Balaji
For R2 : Mrs.A.Salomi

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the claimants against the Award dated 08.12.2023 made in M.C.O.P.No.968 of 2019 passed by the Motor Accident Claims Tribunal /III Court of Small Causes, Chennai, for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3.The claimants herein, who are the husband and son of the deceased Shalom W/o.Parthiban, had filed a Claim Petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.50,00,000/- for the death of said Shalom, who sustained fatal injuries in a road traffic accident that took place on 03.11.2018.

4. The Tribunal upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.25,85,200/- with 7.5% interest The amount awarded by the Tribunal under various heads are tabulated hereunder :

S.No.	Description	Amount awarded by the Tribunal(Rs.)
1	For loss of dependency	24,75,200-
2	For loss of consortium	80,000/-
4	For loss of estate	15,000/-
6	For funeral expenses	15,000/-
	Total	Rs.25,85,200/-

5. The manner in which the accident occurred is not in dispute. The learned counsel for the appellants/claimants would contend that the deceased was aged about 30 years at the relevant point of time and was working as staff nurse at Cherish Hospital,Thirumullaivoil and earning a sum of Rs.15,000/- per month. The notional income was fixed at Rs.13,000/- p.m, is inadequate.

6. The learned counsel appearing for the second respondent-Insurance Company would argue that to substantiate the income details, no document is marked. Therefore, the notional income fixed by the Tribunal at Rs.13,000/- is reasonable and does not warrant any interference by this Court.

7. The date of the accident is 03.11.2018. It is the evidence of P.W1 that the deceased was working as a staff nurse at Cherish hospital, Thirumullaivoil, and earning a sum of Rs.15,000/- per month. In order to substantiate the said details, no document was marked. As per Ex.P.5 is copy of Nursing Certificate of the deceased, the date of birth of the deceased is 05.10.1988, Therefore, the age of the deceased is fixed as 30 years.

8. In consideration of the above said details, salary of the deceased is fixed at Rs.14,000/- per month. As per the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited vs. Prenay Sethi and Others, 2017(2) TNMAC 609 SC,*** the Hon'ble Supreme Court has standardised the details of future prospects. For persons not in a permanent job, for the age group of persons below 40 years, 40% has to be added as future prospects while computing the monthly income of the deceased.

9. As held in **Smt.Sarla varma and others vs Delhi Corporation and another** reported in ***2009(2) TNMAC 1 (SC),*** *if the claimants are three in number, then 1/3rd has to be deducted for personal and living expenses*

and the relevant multiplier to be adopted is '17'm. For computing loss of dependency, the following formula emerges:

Loss of dependency = [(Rs.14,000/- + 40%)-1/3x12x17

= Rs.26,65,668/-

10. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable, and it needs no interference. The compensation granted by the Tribunal is reworked and tabulated as hereunder:

Sl. No.	Description	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	24,75,200/-	26,65,668/-	enhanced
2	For Loss of Consortium	80,000/-	80,000/-	confirmed
4	For Loss of Estate	15,000/-	15,000/-	confirmed
4	For funeral expenses	15,000/-	15,000/-	confirmed
	Total **rounded off as**	**Rs.25,85,200/-**	**Rs.27,75,668/-** **Rs.27,76,000/-**	

11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.25,85,200/- to Rs.27,76,000/- which would carry interest at the rate of 7.5% per annum.

12. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed.

(ii)The Compensation awarded by the Tribunal is enhanced from Rs.25,85,200/- to Rs.27,76,000/-

(iii)The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.27,76,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, (excluding the period of default, if any) and costs to the credit of M.C.O.P.No.968 of 2019 on the file of Motor Accidents Claims Tribunal /III Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the first claimant is at liberty to withdraw the same as per apportionment made by the Tribunal along with interest and costs after adjusting the amount, if any already withdrawn by filing necessary application before the Tribunal.

v)The shares of the minor 2nd claimant shall be deposited by the Tribunal in any one of the nationalised Bank under re-investment scheme till he attains majority. The 1st claimant, who is guardian of the minor, is permitted to withdraw the accrued interest from the deposit of the minor once in three months directly from the said Bank. On attaining the age of majority, the 2nd claimant may be permitted to withdraw his share by filing suitable application before the Tribunal.

vi)The claimants are directed to pay the Court fee for the compensation amount, if required.

vii)The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimant. There is no order as to costs.

11.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
kkd

R.KALAIMATHI,J.

kkd

To

The Motor Accidents Claims Tribunal ,
III Court of Small Causes, Chennai.

C.M.A.No.3274 of 2025

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