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C.M.A.No.3343 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3343 of 2025

- 1.K.Ebramsha
- 2.E.Faisal Mubarak
- 3.E.Zakir Hussan
- 4.E.Saipunisha
- 5.E.Padarnisha

... Appellants

Versus

- 1.B.Boopalan
- 2.United India Insurance Co. Ltd.,
Divisional Office XVIII Sathguru Complex,
New.No.640, Old No.488/489, Anna Salai,
Nandanam, Chennai-600 035

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.3737 of 2011, dated 17.10.2014, on the file of the Chief (Motor Accident Claims Tribunal) Small Causes Court, Chennai.

For Appellants	: Mr.M.Mahendran for N.M.Muthurajan
For Respondents	: Mr.J.Chandran for R2



C.M.A.No.3343 of 2025

JUDGMENT

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This appeal is directed as against the award of the Motor Accident Claims Tribunal Chief (Motor Accident Claims Tribunal) Small Causes Court, Chennai.

2.Briefly stated, on 17.05.2011 while the deceased was crossing the old Mahabalipuram road from east to west, the motor cycle bearing Reg. No. TN 07 AP 9594 came in a rash and negligent manner and dashed against the deceased and caused her death. The deceased was aged about 50 years at the time of accident and was earning Rs.10,000/- by doing utensil business. The claimants are the husband and children of the deceased.

3.On the aforesaid grounds, the appellants filed a claim petition before the Claims Tribunal claiming compensation for the death of the deceased. They claimed various amounts under different heads and in all, claimed a total sum of Rs.12,00,000/- as compensation. Their claim was opposed by the 2nd respondent/Insurance Company. The learned Tribunal, after trying the issues partly allowed the claim of the appellant and awarded a sum of Rs.5,50,500/- as compensation. Feeling the sum awarded was insufficient, this appeal under Section 173 of the Motor Vehicles Act has been filed by the appellants/claimants.



C.M.A.No.3343 of 2025

WEB COPY

4.The learned counsel for the 2nd respondent/Insurance Company has submitted that the accident had been caused due to the negligence on the part of the rider of the motor cycle, therefore, respondents are not liable for payment of any compensation to the appellants. He would further submit that, the Tribunal has awarded just compensation which warrants any interference by this Court.

5.The findings of the learned Tribunal regarding the involvement of vehicle, the negligence of the rider of the motor cycle and the deceased having sustained fatal injuries which ultimately resulted in her death are against the respondents. Respondents have not filed any appeal against these findings nor have they challenged these findings by way of cross objections or cross appeal. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere in the aforesaid findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

6.Now, the question arises as to whether appellants/claimants are



C.M.A.No.3343 of 2025

entitled to get any sum as compensation in addition to what has already been awarded by the learned Tribunal. The compensation awarded by the learned Tribunal under various heads are extracted hereunder:

S.No	Description	Amount awarded by Tribunal (Rs.)
1.	Loss of dependency	4,45,500
2.	Loss of Consortium	25,000
3.	Loss of love and affection (Petitioners 1 to 5)	50,000
4.	Funeral Expenses	25,000
5.	Transportation	5,000
	Total	Rs.5,50,500/-

7.Considering the facts and circumstances of the case, age of the deceased and plight of the claimants, it would be appropriate to award just compensation to the claimants which are as follows:

S.No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of dependency	4,45,500/-	7,07,850	Enhanced
2.	Loss of Consortium	25,000	40,000	Enhanced



C.M.A.No.3343 of 2025

			(1 st petitioner)	
3.	Loss of love and affection (Petitioners 1 to 5)	50,000 (petitioners 1 to 5)	1,60,000 (Petitioners 2 to 5)	Enhanced
4.	Funeral Expenses	25,000	15,000	Reduced
5.	Transportation	5000	-	
6.	Loss of Estate	-	15000	Granted
	Total	Rs.5,50,500/-	9,37,850	Enhanced by Rs.3,87,350/-

8.The present appeal is partly allowed and it is held that the appellants shall be entitled to a compensation of Rs.9,37,850/- the appellants shall also be entitled to get interest at 7.5 % per annum on the enhanced amount.

(i)The 2nd respondent is directed to pay the above said compensation amount now determined by this Court to the appellants along with interest and costs, less the amount already deposited, if any, within a period of **eight (8) weeks** from the date of receipt of copy of this judgment.

(ii)On such deposit, the appellants are permitted to withdraw their enhanced award amount as per the apportionment made by the Tribunal.

(iii)The appellants are not entitled to claim any interest for the default period.

(iv) The appellants are directed to pay the necessary Court fee, if



C.M.A.No.3343 of 2025

any for the enhanced award amount. The Registry is directed to draft the decree only after the receipt of Court fee. No costs.

10.12.2025

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1.The Chief judge,
The Motor Vehicle Accident Tribunal,
Small Causes Court, Chennai.

2.The Section Officer,
VR Section, High Court, Madras.

K.GOVINDARAJAN THILAKAVADI,J.

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WEB COPY



C.M.A.No.3343 of 2025

C.M.A.No.3343 of 2025

10.12.2025