



C.M.A(MD)NO.1036 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :11.11.2025

CORAM:

THE HON'BLE MS JUSTICE R.POORNIMA

C.M.A(MD)No.1036 of 2023

1.T.Mahalakshmi

2.K.Thirumalaisamy

... Appellants/Petitioners

.Vs.

1.S.Balaji

2.The Divisional Manager,
National Insurance Company Limited,
Division No.10,
Flat No.101-106, N-1,
B.M.C.House,
Cannught Place,
New Delhi.

... Respondents/Respondents

PRAYER:Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree made in M.C.O.P.NO.596of 2010,dated 9.7.2012, on the file of the Motor Accidents Claims Tribunal(District Judge), Karur.

For Appellants : Mr.T.Selvakumaran

For Respondent-1 : Dispensed with



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For Respondent-2 : Mr.A.Ilango

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JUDGMENT

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This Civil Miscellaneous Appela is filed by the claimants against the judgment and decree made in M.C.O.P.NO.596 of 2010,dated 9.7.2012, on the file of the Motor Accidents Claims Tribunal(District Judge), Karur seeking enhancement of compensation.

2.The parties are referred to as per their status before the Tribunal.

3.The case of the Petitioners/claimants is that on 19.11.2010 at about 9.20 a.m., on Dindigul-Karur Main road infront of S.E.T Matriculation School, D.Goodalur, the deceased was standing and at that time, driver of the car bearing Registration NO. TN 47 T 1440 came in a rash and negligent manner and dashed against the deceased. As a result of which, she sustained multiple grievous injuries on the head and all over the body. Immediately she was taken to Government Hospital, Karur, where she was succumbed to injury at 9.55 am. A case was registered against the driver of the offending vehicle under Section 304-A of IPC and also under Section 3, 180 and 181 of the Motor Vehicles Act .At the time of



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accident, the deceased was aged 10 years and was studying in 4th standard in S.E.T. Matriculation School. The Petitioners claim Rs.5 lakhs as compensation. However, the Tribunal awarded only a sum of Rs.2,25,000/- as compensation with interest at the rate of 7.5% p.a, from the date of claim petition till the date of realization.

4.The respondents seriously disputed the claim by stating that the Tribunal properly appreciated the evidence. The deceased was a minor and not deriving any income and the Tribunal had properly calculated the award amount. There is no dispute raised regarding negligence or the manner of the accident and prayed for dismissal of the claim petition.

5.However, the learned counsel for the appellant relied upon the judgment in **2011 (1) TN MAC 593**, wherein, the Honourable Supreme Court held that for minors Rs.2,25,000/- would be taken as compensation for the minors and at the time of death the deceased was 10 years old. This Court also awarded Rs. 40,000/- under the head of loss of love and affection each to the petitioners/parents, totalling to Rs.80,000/-, funeral expenses Rs. 15,000/- as per the guidelines issued in **Pranay Sethi's case**. Thus the Petitioners are entitled to a sum of Rs,3,45,000/- with interest at the rate of 7.5% p.a., from the date of claim petition till the date



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of realization

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6.In the result, the Civil Miscellaneous Appeal is allowed and the award amount is enhanced from Rs.2,25,000/- to Rs. 3,45,000/- with interest at the rate of 7.5% p.a from the date of claim petition till the date of realization. The respondents 1 and 2 are directed to pay the above said award amount to the Petitioners with interest and costs within a period of eight weeks from the date of receipt of a copy of this order, less the award amount already deposited, if any. On such deposit being made the Petitioners/appellants are entitled to equal share of Rs. 1,72,500/- and they are permitted to withdraw the same, less the award amount already withdrawn, if any, by filing necessary application before the Tribunal. The claimants are directed to pay the additional Court fee, if any, towards the enhanced award amount. No costs.

14.11.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

4/6



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the District Judge,
(The Motor Accidents Claims Tribunal),
Karur.

Copy to

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

R.POORNIMA.,J.

vsn

JUDGMENT MADE IN

C.MA(MD)No.1036 of 2013



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14.11.2025