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C.M.A.No.60 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM:

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.60 of 2026

1. S. Panjali
2. S. Sharmila
3. S. Kousalya

... Appellants

Vs.

1. S. Ravikumar
2. ICICI Lombard General Insurance Company Ltd.,
Arihant Plaza,
No. 84 & 85, Wall Tax Road,
Chennai – 600 003.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No.5112 of 2023, dated 18.11.2025, on the file of the Motor Accidents Claims Tribunal (II Court of Small Causes), Chennai.

For Appellants : Mr. K. Balaji
For R2 : Mr. B. Sivakollapan
R1 – Notice Dispensed with.

JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award passed in M.C.O.P.No.5112 of 2023, dated 18.11.2025 on the file of the Motor Accidents



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Claims Tribunal, (II Court of Small Causes), Chennai.

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2. Shortly stated, on 03.07.2023 at about 19.30 pm when the deceased, S.Seenuvasan was standing on the left side of the GST road, near Tambaram-Irumbuliyur Bridge Down, a two wheeler bearing Reg.No.TN-04-AE-5121 driven by its driver in a rash and negligent manner, endangering public safety hit against the deceased. Due to the accident, the deceased sustained multiple head injuries and died on 05.07.2023. The 1st respondent is the owner/driver of the vehicle and the 2nd respondent is the insurer of the vehicle and hence both are jointly and severally liable to pay the compensation to the petitioner with interest and cost. The wife and children of the deceased have filed the claim petition for the death for a compensation of Rs.36,00,000/-.

3. The learned counsel for the 2nd respondent/Insurance Company resisted the claim petition by stating that the claimants/appellants ought to have produced valid insurance policy, R.C.Book, fitness certificate, permit, badge, driving license, etc., to prove the fact that the deceased died in the alleged accident due to the negligent Act of the driver of the respondent.

4. The claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the driver of the



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offending car and awarded compensation of Rs.18,56,680/-. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants/claimants have preferred this appeal, seeking enhancement.

5. Mr. K. Balaji, the learned counsel for the appellants/claimants contended that the deceased was the proprietor of M/s. Seenu Tailors, Guduvanchery and was earning a sum of Rs.25,000/- per month, whereas the Tribunal had fixed the notional monthly income of the deceased as Rs.17,600/-, which is very meagre. Hence, he prayed for enhancement of compensation awarded by the claims Tribunal.

6. Per contra, the learned counsel for the 2nd respondent/Insurance Company submitted that the Tribunal, after analysing the oral and documentary evidence, has awarded just compensation, which requires any interference by this Court.

7. Heard both sides. Records perused.

8. Though it is claimed by the learned counsel for the appellant that the deceased was earning a sum of Rs.25,000/- per month, no documentary evidence was filed by the appellant for proof of income. In these circumstances, the Tribunal had fixed the notional monthly income of the deceased at Rs.17,600/-. However, considering the year of accident, this Court deems it fit to fix the income of the deceased at Rs.20,000/- per month. Since the age of the deceased at the time of



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accident was 54, the proper multiplier would be 11, future prospects should be taken at 10% and $\frac{2}{3}$ rd is deducted towards his personal expenses. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.20,000/-
10% Future prospects = Rs.2,000/-
After $\frac{2}{3}$ deduction = Rs.14,667/-
Loss of Dependency = Rs.14,667 $\times$ 12 $\times$ 11
= **Rs.19,36,000/-**

The head of loss of consortium is also enhanced to Rs.1,32,000 (44,000 $\times$ 3), while the other heads awarded by the tribunal is found to be just compensation and the same is upheld.

9. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, 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	17,03,680	19,36,000	Enhanced
2.	Loss of Consortium	1,20,000	1,32,000	Enhanced
3.	Loss of Estate	16,500	16,500	Confirmed



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4.	Funeral Expenses	16,500	16,500	Confirmed
	TOTAL	18,56,680/-	21,01,000/-	Enhanced by Rs.2,44,320/-

10. In the result,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.21,01,000/-.

(iii) The appellants/claimants are directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional court fee.

(iv) The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation amount of Rs.21,01,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.5112 of 2023, dated 18.11.2025 on the file of the on the file of the Motor Accidents Claims Tribunal, (II Court of Small Causes), Chennai, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order.

(v) The appellants/claimants are not entitled for any interest for the default period in filing the above appeal.



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(vi) The compensation now awarded by this Court shall be shared among the appellants/claimants as per the apportionment granted by the Tribunal.

(vii) On such deposit being made, the appellants/claimants are at liberty to withdraw the same, after following due process of law.

24.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. The II Judge, Court of Small Causes,
Motor Accidents Claims Tribunal, Chennai.
2. The Section Officer,
V.R. Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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