



WEB COPY

CMA No. 776 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMA No. 776 of 2026

and

CMP No.8450 of 2026

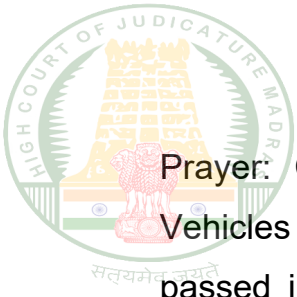
Chola Ms General Insurance Co. Ltd.,
No.154/316, Shaw Wallace Building,
2nd floor, Thambu Chetty Street,
Chennai-600001

..Appellant(s)

Vs.

1. U.Krishnaveni
W/o. Ulaganathan
2. U.Prasanth
S/o.Ulaganathan
3. U.Prasanna
S/o.Ulaganathan
4. K.Muruvammal
W/o.Katteriyan
5. S.Katteriyan
S/o.Sadhiyan
All are residing at
Bharathi Nagar
Neelamangalam,
Echur Post
Seyyur, Isur,
Kancheepuram-603308
6. R.Dinesh
S/o.Ramesh
Bharathi Nagar,
Neelamangalam
Echur Post,
Seyyur, Isur,
Kancheepuram-603308

..Respondent(s)



Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to against the Judgement and Decree dated 21.10.2024 passed in MCOP.No.635 of 2023 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant(s) : Ms.R.Sree Vidhya

For Respondent(s): Mr.A.A. Venkatesan for R1 to R5

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the Award dated 21.10.2024 passed in MCOP.No.635 of 2023 on the file of the Motor Accident Claims Tribunal / IV-Court of Small Causes, Chennai, for change in the notional income of the deceased.

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

3. The learned counsel for the appellant would strenuously argue that for a 57 year old person who was said to be working as Mason, the Tribunal assumed monthly income notionally at Rs.17,000/- is on the higher side and sought for change in the same.

4. Per contra, the learned counsel for the respondents no.1 to 5 / claimants would vehemently contend that by taking into account of the age, avocation, income of the deceased and other attending circumstances, the



Tribunal has fixed the notional income at Rs.17,000/- cannot be said to be excessive and sought for dismissal of the appeal.

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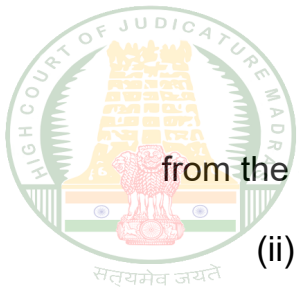
5. The manner in which the accident took place is not in dispute. It has come on record through P.W1 that the deceased, who was aged about 57 years was working as Mason and earning a sum of Rs.30,000/- per month at the relevant point of time. To substantiate the income details, no document is marked. Date of accident is 16.01.2023.

6. The Tribunal based upon the cost inflation index has fixed the monthly income notionally at Rs.17,000/- appears to be reasonable and acceptable. That is the only ground urged by the learned counsel for the appellant.

7. Based on the aforestated observations, this Civil Miscellaneous Appeal stands dismissed.

7. In the result,

(i) The Insurance Company/appellant is directed to deposit the compensation amount awarded by the Tribunal, i.e., Rs.17,49,700/- (less the amount already deposited, if any), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, excluding the period of delay, and with costs, to the credit of MCOP No.635 of 2023 on the file of the IV-Court of Small Causes, Chennai, within a period of six weeks



from the date of receipt of a copy of this Judgment.

(ii) On such deposit being made, the claimants are permitted to withdraw their share amount as apportioned by the Tribunal, along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(iii) The claimants are directed to pay the Court fee, if required. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MAC

To

1. The IV Court of Small Causes, Chennai

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



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R.KALAIMATHI, J.

MAC

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