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CMA No. 874 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

C.M.A.No. 874 of 2025

and

C.M.P.No.7189 of 2025

1. Selvi
W/o. Krishanan, D.No.113, Nadar St,
Singipuram, Vazhapaddy, Salem,
Tamil Nadu - 636 115.
2. Krishnan Ramalingam
S/o. Ramalingam, D.No.113, Nadar St,
Singipuram, Vazhapaddy, Salem,
Tamil Nadu - 115.
3. Vanitha Krishanan
D/o. Krishnan, D.No.113/25-B-2, Nadar St,
Singipuram, Vazhapaddy, Salem,
Tamil Nadu - 115.

..Appellant(s)

Vs

1. G. Sathieshkumar
S/o. Gunasekaran, D.No.3/364, Rajiv Gandhi
Nagar, Elambalur Post Office,
Perambalur – 212.
2. C. Vinoth
S/o. Chinnasamy, D.No.14, Aathiravetar St,
Elambalur,
Perambalur -212.



3. Liberty General Insurance Ltd
(Policy No.201150040521800012200000, 22-06-2024)

3rd Floor, Raja Parle Building, 79/2,
By Pass Road, Madurai - 001.

..Respondent(s)

To set aside the judgement and decree dated 02-08-2023 passed in MCOP No.1319/2021 by the Learned Special District Judge, MCOP Tribunal, Salem.

For Appellant(s): MR.E.V.Chandru @ E.Chandrasekaran
For MR.G.R.Deepak

For Respondent(s): M/S.C.Harini
For MR.M.B.Raghavan
For M/s.M.B.Gopalan Associates for R3

No Appearance for R1 & R2

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

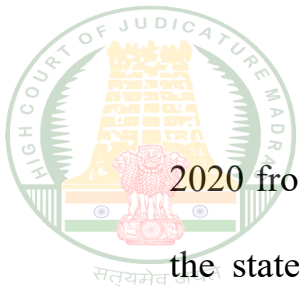
The claimants in M.C.O.P.No.1319 of 2021 on the file of the Special District Court/Motor Accidents Claims Tribunal at Salem, aggrieved by the award dated 02.08.2023 granted for the death of one Ajith Kumar, who are the son of the first and second claimants and brother of the third claimant in a motor accident have filed the present appeal.



2. It is the case of the claimants that, on 25.07.2021 the deceased Ajithkumar was travelling as a pillion rider in the two-wheeler bearing registration No.TN 30 BH 6797 driven by one Arun in Sankari to Salem main road at around 2.00 p.m., at Kaligoundampalayam near VST TATA motors, a car bearing registration No.TN 46 AA 5304 driven in a rash and negligent manner in the same direction had coming from behind and hit the two-wheeler and causing an accident. Due to which, the pillion rider Ajithkumar sustained grievous injuries and was admitted to Government Hospital, Salem and later to Government Medical College Hospital, Coimbatore and he died on 30.07.2021. The claimants seeking compensation of a sum of Rs.1,08,00,000/-. The petition had been filed under section 166 of the Motor Vehicles Act.

3. The respondent / Insurance Company had questioned the nature of the accident and also the income earned by Ajithkumar in the course of his employment.

4. The Tribunal had determined the monthly income at Rs.10,000/- notionally and had rejected the documents filed evidencing that the deceased was working in Hotel Hilton Four Star Hotel and later was working at Hotel Coral Strand in Republic of Seychelles in another Hotel and was gainfully employed. The Tribunal also rejected the bank statements produced as documents showing a credit of monthly income from December 2019 to June

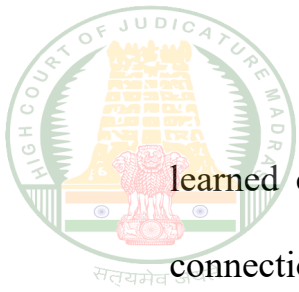


2020 from Seychelles, by way of Euro Dollars. The Tribunal had taken note of the statement of Arun, the driver of the two-wheeler that the deceased was working as a Carpenter and therefore had rejected all other favours/documents.

5. Questioning this finding of the Tribunal and seeking enhancement the claimants have come before this Court.

6. The learned counsel for the claimants contended that before the Tribunal, the documents had been filed as Ex.9 showing the Course Completion Certificate of the deceased, Ex.P11 the pay slip, Ex.P12 the copy of the Job offer, Ex.P13 was working certificate, Ex.P14 copy of passport and Ex.P23 copy of the bank statement of the deceased and stated that the deceased was actually working in Hotel Hilton Four Star Hotel and later was working at Hotel Coral Strand in Republic of Seychelles and was earning a sum of Rs.40,000/- - Rs.50,000/- every month. It is contended that he had to return back to the Country owing to Covid-19 pandemic and was waiting to go back and in the meanwhile died in the accident.

7. The learned counsel for the third respondent/Insurance Company contended that the statement of the driver of the two-wheeler Arun that the deceased was working as a Carpenter should alone to be taken into consideration. Even if other documents evidencing salary are to be taken, the



learned counsel contended that there is no evidence of the employer in this connection to substantiate the same.

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8. This is the only point raised.

9. We have carefully considered the arguments advanced.

10. The copy of the passport shows that the deceased left India in December 2019 and came back from Seychelles in June 2020. It was the time of peak of Covid-19 Pandemic. It is therefore very probable that he had to return back to the Country. It is also to be seen that he had also obtained necessary qualification by studying in the institute of Hotels in the Salem Institute of Hotel Management for which also necessary documents had been produced. Therefore it is improbable that he was working as a Carpenter and it was more probable that he was employed in a Hotel. He was initially employed in Hotel Hilton Four Star Hotel and later in the Hotel Coral Strand at Seychelles.

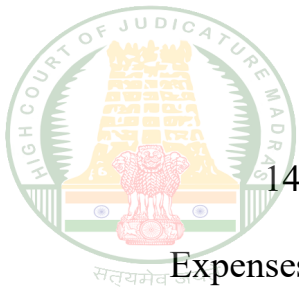
11. We therefore hold that the Tribunal had misdirected itself in holding that he was working only as Carpenter and in fixing his notional income at Rs.10,000/-. There is no evidence produced to show that he was working as a Carpenter. The Tribunal had determined the same on the basis of a complaint lodged for registering the FIR. It is common knowledge that, any FIR cannot be



taken as substantial evidence. The documents which had been produced to show qualification in Hotel Management, employment in a registered Hotel and salary received to the account of the deceased from Seychelles, make it clear that he was actually employed in the Hotel Industry. But, however in the absence of the evidence of the employer we would determine income at Rs.30,000/-. After taking future prospects at 40%, the monthly income comes to Rs.42,000/- [30,000 + 12,000 (40% of 30,000)]. The yearly income would be Rs.5,04,000/- [42,000 x 12]. Since the deceased was aged about 24 years the multiplier applicable would be '18'. Thus, the amount would be Rs.90,72,000/- [5,04,000 x 18].

12. Since the deceased was a bachelor, 50% will have to be deducted towards his personal expenses. Though three claimants made claim the third claimant is the sister of the deceased and cannot be considered as a dependent since she got married. Accordingly, deduction of 50% is determined as personal expenses of the deceased. Accordingly, the total loss of income comes to Rs.45,36,000/- [90,72,000 – 45,36,000].

13. The Tribunal has awarded a sum of Rs.60,000/- as compensation under the head loss of love and affection and we are inclined to increase the same at Rs.40,000/- each and a sum of Rs.80,000/- [40,000 x 2] is calculated as future prospects since the third claimant is not a dependent to the deceased.



14. The Tribunal awarded a sum of Rs.15,000/- under the head Funeral Expenses and the same is hereby confirmed. The Tribunal has failed to award compensation under the head Loss of Estate and we are inclined to grant a sum of Rs.15,000/- under the head Loss of Estate.

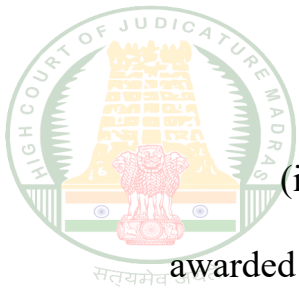
15. As far as the third claimant is concerned, this Civil Miscellaneous Appeal stands dismissed.

16. Accordingly, the award passed by the Tribunal under various heads are hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or reduced
1.	Loss of Income	Rs.10,80,000/-	Rs.45,36,000/-	Enhanced
2.	Loss of Love and Affection	Rs.60,000/-	Rs.80,000/-	Enhanced
3.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
4.	Loss of Estate	---	Rs.15,000/-	Granted
	Total Compensation	Rs.11,65,000/-	Rs.46,46,000/-	Enhanced to Rs.34,81,000/-

17. In the result, this Civil Miscellaneous Appeal is disposed of.

(i) The compensation awarded by the Tribunal at Rs.11,65,000/- is hereby enhanced to Rs.46,46,000/- [Rupees Forty six Lakhs and Forty Six Thousand only] together with interest at the rate of 7.5% per annum from the date of filing of Claim Petition till the date of deposit, excluding the default period, if any.



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(ii)The Insurance Company is directed to deposit the amount now awarded by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.1319 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem. On such deposit, the first and second appellants are permitted to withdraw the amount equally along with interest and costs, less the amount already withdrawn, if any.

(iii)The Tribunal shall disburse the amount now awarded by this Court by crediting in to the Savings Bank Account of the claimants.

(iv)Since this Court has enhanced the compensation, the appellants/claimants are directed to pay the necessary Court fee, if any, on the enhanced compensation.

(v)In other aspects the award of the Tribunal shall stands confirmed.

(vi)There shall be no order as to costs in the present appeal.

(vii) Consequently, the connected miscellaneous petition stands closed.

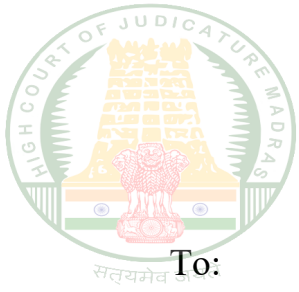
(C.V.K.,J.) (K.R.S.,J.)
17-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI



To:

1. The Special District Judge,
Motor Accident Claims Tribunal,
Salem.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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CMA No. 874 of 2



**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

SSI

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