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C.M.A No. 223 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 11.02.2026**

**CORAM :**

**THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.M.A.No.223 of 2026**

1. M.T.K. Dhanasekaran
2. Devika

... Appellants

**Versus**

1. K. Sethu
2. Future General Insurance Company Limited,  
New No.55, Old No.27, Vijayaraghava Road,  
T. Nagar, Chennai – 600 017.

... 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.2900 of 2018, dated 30.06.2025, on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.II, Court of Small Causes, Chennai.

For Appellants : Mr. Amar Dineshbhai Pandiya

For R2 : Mr. N. Vijayaraghavan

: R1 – Notice Dispense With

**JUDGMENT**

This Civil Miscellaneous Appeal is directed as against the award dated 30.06.2025 passed in M.C.O.P.No.2900 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.II, Court of Small Causes, Chennai.



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2. Shortly stated, on 16.03.2018 at about 17.00 hours the deceased was riding his two wheeler bearing Reg.No.TN-04-AT-8046 along with his friend Mohamed Suhail, at Chennai-OMR Road, near Geetha Marbles, when a Lorry bearing Reg.No.TN-32-V-7146 came in the same direction at a high speed in a rash and negligent manner, endangering the public safety and dashed against the two wheeler in which the deceased was travelling and caused the accident. As a result of the accident, the deceased died on the spot. Alleging that the accident took place due to the rash and negligent driving of the driver of the lorry, the parents as 1<sup>st</sup> and 2<sup>nd</sup> petitioner filed the claim petition. The Tribunal granted a sum of Rs.17,78,200/- as compensation while Rs.1,00,00,000/- was claimed by the petitioners for the death of their son. Hence, this appeal is filed for enhancement of compensation.

3. The learned counsel for the 2<sup>nd</sup> Respondent/ Insurance Company has submitted that the alleged relationship of the petitioners with the deceased being his legal heirs and dependents is to be put into strict proof, also claim that the quantum of compensation claimed by the petitioners is highly excessive. According to the respondent, it is not liability of the respondent for payment of any compensation to the appellants.

4. Mr. Amar Dineshbhai Pandiya, the learned counsel for the appellants/ claimants contended that though the deceased was a B.Com student and would have



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earned a sum of Rs.25,000/- per month, and that the Tribunal had fixed the notional monthly income of the deceased at Rs.11,000/-, which is very meagre. Hence, they prayed for enhancement of compensation awarded by the Claims Tribunal.

5. Heard both sides. Records perused.

6. Though it is claimed by the learned counsel for the appellants that the deceased would have earned a sum of Rs.25,000/- per month, the Tribunal had fixed the notional monthly income of the deceased at Rs.11,000/-. However, considering the year of accident, this Court deems it fit to fix the income of the deceased at Rs.15,000/- per month. Since the age of the deceased at the time of accident was 19, the proper multiplier would be 18 and future prospects should be taken at 40%. Since the deceased died as a bachelor, 50% is deducted towards his personal expenses. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.15,000/-

40% Future prospects = Rs.21,000/-

Annual Income = Rs.2,52,000/-

After 1/2 deduction = Rs.1,26,000/-

Under the other heads, the tribunal has awarded fair and just compensation and the same is upheld.



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7. 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.    | Pecuniary Loss             | 16,63,200                        | 22,68,000                          | Enhanced                               |
| 2.    | Loss of Love and Affection | 80,000                           | 80,000                             | Confirmed                              |
| 3.    | Funeral Expenses           | 20,000                           | 20,000                             | Confirmed                              |
| 4.    | Loss of Estate             | 15,000                           | 15,000                             | Confirmed                              |
|       | <b>TOTAL</b>               | <b>17,78,200/-</b>               | <b>23,83,000/-</b>                 | <b>Enhanced by 6,04,800/-</b>          |

8. As a result of the aforesaid discussion,

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

(ii) The compensation awarded by the Tribunal is enhanced to Rs.23,83,000/-

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

(iv) The 2<sup>nd</sup> respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.23,83,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim



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petition till the date of deposit to the credit of M.C.O.P.No. 2900 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.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.

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

**11.02.2026**

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

**To:**

1. The Special Sub Court No.II,  
Motor Accidents Claims Tribunal,  
Court of Small Causes, Chennai
2. The Section Officer,  
VR Section, High Court, Madras.



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**K.GOVINDARAJAN THILAKAVADI, J.**

vsn

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