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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3798 of 2026

CNR:{HCMA010226372026}

1. Gousia Banu
   W/o.Late Saleem Basham
   Rest.at No.121 Konnur High Road,
   Ayanavaram, Chennai 600 023.

Case QR

2. Samreen Taj
   D/o.Late Saleem Basham
   Rest.at No.121 Konnur High Road,
   Ayanavaram, Chennai 600 023.

..Appellant(s)

Vs

1. Hallmark India Research Unit
   No.149 East Madha Street,
   Royapuram, Chennai 600 013.

2. Royal Sundaram General Insurance Co.Ltd.,
   No.1 Club House Road,
   Subramanian Building, 2nd Floor, Anna Salai,
   Chennai 600 002.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to enhance the amount awarded in MCOP No.1878 of 2020 dated 09.08.2023 on the file of Motor Accident Claims Tribunal, (Chief Judge, Court of Small Causes) Chennai, as prayed for with interest and cost.

For Appellant(s): Mr.K.Varadhakamaraj

For Respondent(s): Mr.,B.Raghavan
for M/s.M.B.Gopalan Associates for R2

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JUDGMENT

Unsuccessful claimant has preferred this appeal seeking enhancement of compensation, vide award dated 09.08.2023 in MCOP.No.1878/2020 on the file of the Motor Accidents Claims Tribunal, Chennai, Chief Judge, Court of Small Causes, Chennai.

2. Claim Petition has been filed under Section 166 of the Motor Vehicles Act, 1988 by the dependents of the deceased one M.Mohammed Farman, who died in a road accident. 1st claimant is the mother and the 2nd claimant is the sister of the deceased. According to the claimants, on 25.05.2020 at about 10.45 hours, while the deceased was riding a motorcycle bearing Reg.No.TN 02 AZ 8221 from Thoraipakkam to Ayanavaram, near Anna Nagar 2nd Avenue & 5th Avenue Junction, Saravana Bhavan Hotel, a car bearing Reg.No.TN 04 AT 3009, which came from West to East direction, driven in a rash and negligent manner and rammed against the motorcycle, due to the impact, the deceased sustained grievous injuries all over the body. The deceased was admitted as inpatient in KMC Hospital, Chennai and despite continuous treatment, he died on 27.05.2020. According to the claimants, the deceased was an MBA graduate aged 24 years, working as System Analyst in Hexaware Technologies Limited, Kandanchavadi, Chennai and earning Rs.25,000/- per month.

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3. The 1st respondent / owner of the offending vehicle was called absent and set exparte before the Tribunal.

4. The 2nd respondent / Insurance Company has filed counter statement denying the manner of accident.

5. On behalf of the claimant, the 1st claimant herself was examined as PW1 and one Deepak Kumar, eye witness to the accident, was examined as PW2 and Exs.P1 to P15 were marked. On the side of the respondent / Insurance Company, neither any witness was examined nor any document was produced.

6. Upon appreciation of evidence adduced on either side, the Tribunal concludes that the accident occurred due to the rash and negligent driving of the driver of the offending vehicle / car and the 1st respondent being the owner and the 2nd respondent being the insurer of the offending vehicle are jointly liable to pay compensation to the claimants. The Tribunal has fixed the age of the deceased as 29 years and the claimants have relied upon Pay Slips for the month of February, March and April 2020 standing in the name of the deceased to substantiate the monthly income of the deceased and considering that the accident took place on 25.05.2020 and his last drawn salary after deductions is Rs.21,130/- as per pay slips, has fixed the monthly income of the deceased as Rs.21,130/- and added 40% towards future prospects by relying upon the

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decision of the Hon'ble Apex Court in ***National Insurance Company Limited v. Pranay Sethi and Others [2017 (2) TNMAC 609],*** deducted 50% towards personal and living expenses of the deceased since the deceased died as a Bachelor and adopted Multiplier "18" and accordingly awarded compensation under the head of Loss of Dependency amounting to Rs.31,94,856/- [Rs.21,130 + 40% =29582 x 12 x 18 x ½]. The Tribunal has also awarded compensation under various other heads as hereunder:

Heads of Compensation	**Amount awarded by the Tribunal (Rs.)**
Loss of Income / Dependency [21,130 + 40%] = 29,582 x 12 x 18 x ½	31,94,856
Loss of Estate	15,000
Loss of Consortium	40,000
Funeral Expenses	15,000
TOTAL	**32,64,856**

Being aggrieved over the same, the claimants have preferred the present appeal seeking enhancement of compensation.

7. The learned counsel appearing for the appellants/ claimants would submit that the Tribunal went wrong in fixing the income of the deceased at Rs.21,130/- per month as against the claim of Rs.25,000/- per month. The Tribunal also went wrong in fixing future prospects at 40% and when the deceased has permanent job, the Tribunal ought to have added 50% towards future prospects.

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8. *Per contra*, learned counsel appearing for the 2nd respondent / Insurance Company would submit that the Tribunal has rightly fixed the monthly income of the deceased by relying upon Ex.P10 – Salary Slips stands in the name of the deceased. Since the claimants have not established that the deceased was having permanent job, the Tribunal has rightly added 40% towards future prospects instead of 50%.

9. This Court considered the submissions made on either side and perused the entire materials available on record.

10. There is no dispute with regard to the manner of accident and the negligence and liability fixed on the part of the respondents 1 and 2. According to the claimants, at the time of accident, the deceased was aged about 24 years and earning Rs.25,000/- per month in a private concern. To substantiate the same, the claimants have relied upon Ex.P9 – copy of Identity Card stands in the name of the deceased, Ex.P10-Pay Slips for the months of February to April 2020 and also Ex.P11- Bank particulars pertaining to the deceased. A perusal of Ex.P10- Salary Slips for the months of February to April, 2020 shows that the last drawn pay of the deceased after statutory deductions, at the time of accident is Rs.21,130/- and based on Ex.P10, the Tribunal fixed the monthly income of the deceased at Rs.21,130/-. This Court is of the view that total gross earnings of the deceased before deductions has to be taken into account and

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therefore, inclined to fix Rs.22,194/- as the monthly income of the deceased for arriving the compensation.

11. A perusal of Ex.P8 – MBA Grade Cad shows that the deceased is an MBA Graduate and a perusal of the copy of Ex.P9- Identity Card and Ex.P10- Salary Slips shows that the deceased was employed in a permanent job. In such circumstances, in the light of the ratio laid down by the Hon'ble Apex Court in ***Pranay Sethi case (cited supra)***, 50% has to be added towards future prospects and the Tribunal has wrongly adopted 40% towards future prospects and therefore, this Court is inclined to add 50% towards future prospects. Considering that the deceased was aged 24 years at the time of accident, Multiplier "18" has to be applied in the light of the decision of the Hon'ble Apex Court in ***Sarla Verma and Others v. Delhi Transport Corporation and Another [(2009) 6 SCC 121]*** and since the deceased was unmarried at the time of accident, 50% has to be deducted towards personal and living expenses of the deceased. Accordingly, the compensation under Loss of Income / Dependency comes to Rs.35,95,428/-. [22,194 + 50% = 33,291 x 12 x 18 x ½]. The compensation awarded by the Tribunal under other heads appears to be just and reasonable and does not require any interference. Thus, the compensation now determined by this Court is tabulated as hereunder:

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Heads of Compensation	Amount awarded by the Tribunal (Rs.)
Loss of Income / Dependency [22,194 + 50%] = 33,291 x 12 x 18 x ½	35,95,428
Loss of Estate	15,000
Loss of Consortium	40,000
Funeral Expenses	15,000
TOTAL **Rounded off**	**36,65,428** **36,65,500**

12. In the result, this Civil Miscellaneous Appeal stands partly allowed and the compensation awarded by the Tribunal vide award dated 09.08.2023 in MCOP.No.1878/2020 on the file of the Motor Accidents Claims Tribunal, Chennai, Chief Judge, Court of Small Causes, Chennai is modified to the effect that the claimants are entitled to an enhanced compensation of Rs.36,65,500/- together with interest @ 7.5.% p.a. from the date of claim petition till the date of deposit. The 2nd respondent / Insurance Company is directed to deposit the compensation now determined by this Court, less amount already deposited if any, within a period of six weeks from the date of receipt of this judgment. On such deposit, the appellants / claimants are entitled to withdraw the same, less amount already withdrawn if any, on filing appropriate application before the Tribunal. The claimants are not entitled for any interest on the enhanced compensation for the delay period of 763 days, as per the interim order of this Court dated 30.10.2026 passed in CMP.No.3722 of 2026. The manner, mode

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and disbursement of compensation shall be as per the order of the Tribunal. No costs.

20-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Jvm

To
1. Motor Accidents Claims Tribunal, Chennai,
Chief Judge, Court of Small Causes, Chennai.

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

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M.JOTHIRAMAN J.

Jvm

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