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C.M.A.No.799 of 2025 and C.M.P. No.6304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 11.02.2026

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 799 of 2025 and C.M.P. No.6304 of 2025

The Branch Manager,
United India Insurance Company Limited,
No.50A, Pallivasal Street,
Perambalur 621 212

...Appellant

Vs.

1. Barakath Beevi
- 2.Rabiyath Beevi
- 3.Minor Mohammed Mushraff

(Minor petitioner represented by his mother and next friend Barakath Beevi)

- 4.Mohamed Iqbal

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award and decree dated 19.12.2023 made in M.A.C.T.O.P No.127 of 2022 on the file of the Motor Accident Claims Tribunal (District Judge), Karaikal.

For Appellant : Ms. I. Malar

For Respondents : Mr. S.V. Karthikeyan for R1 to R3

R4 - Served - No appearance



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JUDGMENT

This Appeal is directed against the award dated 19.12.2023 made in M.A.C.T.O.P No.127 of 2022, on the file of the Motor Accident Claims Tribunal (District Judge), Karaikal.

2. Shortly stated, on 23.06.2022 at about 3.00 pm., the deceased Mohamed Iqbal was going to Earvady Dharka in his Bajaj Pulsar Motorcycle bearing Registration No.PY-02-T-2911 along with his friend. When they were proceeding near Keezhiyur at Esanoor ERC Main Road from north to south direction, a Mahindra Scorpio bearing Registration No.TN-46-Q-1112 coming on the same direction, driven by its driver in a rash and negligent manner, hit behind the two wheeler, which the deceased was riding, and then hit on another Activa motorcycle. Due to that, the deceased Mohamed Iqbal sustained injuries on his head and he was taken to Government Hospital, Nagapattinam, where he was declared 'brought dead'.

3. The claimants are the wife and children of the deceased. A claim petition was filed before the Claims Tribunal by the claimants for the death of the deceased Mohamed Iqbal, claiming a total sum of Rs,1,00,00,000/- as

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compensation.

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4. The claim was opposed by the Insurance Company.

5. The learned Tribunal, after trying the issues, vide its order dated 19.12.2023 partly allowed the claim and awarded a sum of Rs.31,36,453/- after deducting 10% towards contributory negligence on the part of the deceased since he did not wear helmet at the time of accident.

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the Insurance Company, the Claims Tribunal, having observed that no document was filed to prove the income of the deceased, has erred in fixing the notional income of the deceased at Rs.25,000/-. He would further submit that, the Tribunal erred in awarding compensation to the 1st petitioner towards loss of love and affection, when compensation was awarded to her under loss of consortium, which is also on the higher side. Apart from that, tribunal has awarded a compensation of Rs.40,000/- towards loss of estate, which is also on the higher side. Hence, prayed for setting aside the award passed by the Tribunal.



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7. On the other hand, the learned counsel for the claimants would submit that, the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.

8. The findings of the learned Tribunal regarding the involvement of the vehicle in question, the negligence fixed on the part of the 1st respondent and the deceased at 90:10, and the deceased having sustained fatal injuries which ultimately resulted in his death, are not disputed. The claimants have not filed any appeal for enhancement. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

9. Now, the question arises as to whether the Tribunal erred fixing the notional monthly income of the deceased at Rs.25,000/- without any proof of



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income and awarded exorbitant amount under the heads of loss of consortium, loss of love and affection and loss of estate.

10. On a perusal of the impugned order, it is seen that no proof has been adduced by the claimants for the income of the deceased. However, considering the year of accident, this Court deems it fit to fix the monthly income of the deceased at Rs.22,000/-. Since the age of the deceased at the time of accident was 49, the proper multiplier would be 13 and future prospects should be taken at 25%. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.22,000/-

10% Future prospects = Rs.27,500/-

Loss of dependency

= Rs.27,500/- x 12 x 13 - 1/3

= Rs.28,60,000/-

This Court is of the view that the compensation of Rs.50,000/- towards loss of consortium is on the higher side and hence the same is reduced to Rs.40,000/-.

The 1st respondent / 1st petitioner is not entitled to compensation under the head of loss of love and affection since she was awarded compensation under



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loss of consortium. The Compensation awarded under the head of 'loss of estate' is reduced to Rs.15,000/-.

11. Considering the facts and circumstances of the case, the compensation awarded by the Tribunal, under various heads, is modified by this Court as follows:

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Amount enhanced/reduced/granted
1.	Loss of dependency	32,49,948/-	28,60,000/-	reduced
2.	Funeral expenses	15,000/-	15,000/-	confirmed
3.	Loss of Estate	40,000/-	15,000/-	reduced
4.	Loss of consortium	50,000/-	40,000/-	reduced
5.	Loss of love and affection	1,20,000/-	80,000/-	reduced
6.	Transportation	10,000/-	10,000/-	confirmed
	Total	34,84,948/-	30,20,000/-	
	After deducting 10% contributory negligence	31,36,453/-	27,18,000/-	Reduced by Rs.4,18,453/-



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12. In the result,

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- i.The Civil Miscellaneous Appeal is partly allowed. No costs.
Consequently connected miscellaneous petition is closed.
- ii.The quantum of compensation awarded by the Tribunal is scaled down to Rs.27,18,000/- from Rs.31,36,453/-.
- iii.The appellant/Insurance company is directed to deposit a sum of Rs.27,18,000/- with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, to the credit of M.A.C.T.O.P No.127 of 2022 on the file of the Motor Accident Claims Tribunal (District Judge), Karaikal. The appellant / Insurance Company is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.
- iv.On such deposit being made, the respondents 1 and 2 are at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.
- v.The share of the 3rd respondent / minor claimant, as apportioned by the Tribunal, with costs and interests, shall be deposited in a fixed deposit



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in any one of the Nationalised bank until he attain majority, and the guardian of the minor claimant is permitted to withdraw the interest amount accrued thereon once in four months.

11.02.2026

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1. The District Judge, Motor Accident Claims Tribunal , Karaikal.
2. The Section Officer, VR Section, High Court, Madras.



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