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CMA No. 1231 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM:

**THE HON'BLE MR.JUSTICE N. SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

CMA No. 1231 of 2025

1. Venkateshwari, W/o Ramu

2. Ramu, S/o Arumugavel

..Appellant(s)

Vs.

1. K.Munikrishna, S/o Kodandappa

2. M/s Iffco Tokio General Insurance
Company Ltd.,
Adithya Building, 2nd Floor,
S.N.R.Hospital Circle, Bangarpet Road,
Kolar District, Karnataka 563 101

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, praying to enhance the compensation awarded in the order dated 11.10.2022 made in MCOP No.1505 of 2019 on the file of Special District Judge, MCOP Tribunal at Salem, with Interest and Costs.

For Appellant(s): M/s.M.Mohamed Afridi, A.M.Udhaya Raj and Raja S

For Respondent(s): M/s.B.Sivakollappan for R-2

No appearance for R-1



JUDGMENT

(The Judgment of the Court was delivered by N.Sathish Kumar J.)

Challenging the findings of the Motor Accidents Claims Tribunal, the claimants have preferred this appeal for enhancement of compensation.

2. The claimants are the father and mother of the deceased Arun Kumar, who was aged about 26 years at the time of accident. While he was riding motor-cycle bearing Registration No.TN-30-BH-3210, along with his friend (pillion rider), and when they came to extreme left side of the Varadharajapuram Mudakku Salai, an Eicher Lorry (offending lorry) bearing Registration No.KA-01-A-7667, which was driven by its driver in a rash and negligent manner, came in the opposite direction, without following the traffic rules, and hit the two-wheeler, due to which, both of them sustained grievous injuries and they have succumbed to injuries. The deceased who was aged about 26 years, had completed B.E. course. Therefore, the claimants claimed compensation of Rs.40 lakhs to them being the dependants of the deceased .

3. The Insurance Company took a defence to the effect that the deceased was riding the motor-cycle without driving licence and the same has been negatived by the Tribunal, which found that it was the lorry driver who was rash and negligent in driving the vehicle, which had resulted in the accident. As against the negligent aspect, no appeal has been filed by the Insurance



Company. While fixing the compensation, the Tribunal took notional income of the deceased at Rs.10,000/- on the ground that there is no proof of income produced by the claimants. Though the deceased was an Engineering Graduate, ultimately, the Tribunal fixed the following compensation under various heads:

Loss of income = Rs.10,20,000/-

Loss of love and affection = Rs.40,000/-

Medical expenses = Rs.90,000/-

Funeral expenses = Rs.25,000/-

Total -----
Rs.11,75,000/-

Challenging the above said quantum of compensation, the appellants/claimants have filed the present appeal.

4. Learned counsel for the appellants submitted that in respect of the compensation claimed by the pillion rider, this Court, in C.M.A.No.898 of 2025 (Rajkumar and 2 others Vs. Munikrishna and another), by judgment dated 17.12.2025, had fixed the income at Rs.25,000/-, since the pillion rider was also an Engineering Graduate.

5. It is also brought to the notice of this Court that even the accident occurred in the year 2010 and the Honourable Supreme Court, in a similar case, fixed the notional income at Rs.30,000/- per month and that the Tribunal had erred in neglecting the Degree course provisional certificate to show that the



deceased was an Engineering Graduate. The negligent aspect is not disputed, and only with regard to the quantum for enhancement of the compensation, this appeal is filed by the parents of the deceased as claimants.

6. On a perusal of the materials available on record, it is not disputed that the deceased was aged 26 years at the time of accident and was an Engineering Graduate. Ex.P-6 (provisional certificate) is also filed to prove that the deceased was an Engineering Graduate at the relevant point of time. Ex.P-7 - B.E. degree certificate is also produced to show that he is an Engineering Graduate. However, the Tribunal, without considering the aspect of the deceased being an Engineering Graduate, had taken the notional income at Rs.10,000/- on the ground that no proof of income on the part of the deceased, is produced by the claimants.

7. It is relevant to note that a Division Bench of this Court in C.M.A.No.898 of 2025 (Rajkumar and 2 others Vs. Munikrishna and another), dated 17.12.2025, in regard to the pillion rider, had fixed the notional income at Rs.25,000/- and in paragraphs 5 and 6 of the said judgment, the Division Bench, held as under:

"5. As has been held by a Division Bench in the judgment reported in 2021 1 TNMAC 727 in the case of *New India Assurance Limited Vs. Mr.K.Velmurugan*, the notional income of the Engineering final year student has been fixed at Rs.25,000/- per month. In the present case, the



deceased had been completed his Engineering Degree. Hence, the notional income of the deceased ought to have been taken as Rs.25,000/-, but the Court below had ignored Ex.P-11 and had given a categorical finding that the deceased is only a Diploma holder in Computer Designing to arrive at the income of the deceased. Hence, we are of the view that the impugned order is liable to be interfered with.

6. In the compensation granted under the head 'love and affection', it is to be seen that the appellants are the father and brothers of the deceased. As per the judgment of the Honourable Apex Court in *National Insurance Company Limited Vs. Pranay Sethi and others*, reported in (2017) 16 SCC 680, Rs.40,000/- per head had been fixed under the head of loss of love and affection/consortium."

8. Considering the above said judgment, the Division Bench of this Court enhanced the compensation by fixing the notional income at the rate of Rs.25,000/- per month to the pillion rider, who was also similarly placed person as an Engineering Graduate.

9. Accordingly, we are also inclined to enhance the compensation by fixing the notional income of the deceased at Rs.25,000/-, though the Apex Court had also adopted the same in a similar case wherein the accident had



taken place in the year 2010, in Civil Appeal No.7180 of 2022 (arising out of SLP(C).No.10206 of 2020) (S.Vasanthi and another Vs. M/s.Adhiparasakthi Engg. College and another), dated 11.10.2022, considering the fact that the pillion rider who was also an Engineering Graduate and of similar age, the Division Bench has already fixed the compensation based on Rs.25,000/- as notional income, we are also inclined to adopt the same methodology to maintain the parity.

10. Accordingly, we also fix Rs.25,000/- as the notional income of the deceased, as held by the Division Bench in the case of Rajkumar and 2 others Vs. Munikrishna (supra), as follows:

"7. For the aforesaid reasons, we are inclined to interfere with the award passed in the following manner. We re-affirm the compensation awarded under the head of funeral expenses, loss of estate and medical expenses. By taking into account the notional income of the deceased as Rs.25,000/-, the loss of dependency would be Rs.12,500/- x 12 x 17 = Rs.25,50,000/- and future prospects @ 40% would be Rs.10,20,000/-. Further, the compensation under the head 'love and affection' is enhanced to Rs.40,000/- per head, i.e. Rs.1,20,000/-.

8. Consequently, the calculation of the revised compensation is as follows:

Sl. No.	Heads under which compensation	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or
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	is awarded		enhanced
1	Loss of dependency	Rs.12,24,000/-	Rs.25,50,000/- Enhanced
2	Future prospects	Rs.4,89,000/-	Rs.10,20,000/- Enhanced
3	Love and affection	Rs.60,000/0-	Rs.1,20,000/0- Enhanced
4	Funeral expenses	Rs.15,000/-	Rs.15,000/- Confirmed
5	Loss of Estate	Rs.15,000/-	Rs.15,000/- Confirmed
6	Medical expenses	Rs.1,19,695/-	Rs.1,19,695/- Confirmed
	Total	Rs.19,23,295/-	Rs.38,39,695/- Enhanced

11. In the case on hand, we revise the compensation awarded by the Tribunal, as follows:

Sl. No.	Heads under which compensation is awarded	Amount awarded by Tribunal	Amount awarded by this Court
1	Loss of love and affection	40,000	80,000
2	Funeral expenses	25,000	15,000
3	Loss of estate	-	15,000
4	Medical expenses	90,000	90,000
5	Future prospects	-	80,000
6	Transportation expenses	-	15,000
7	Loss of income	10,20,000	25,50,000
	Total	11,75,000	28,45,000



12. In the result, the appeal is allowed to the extent indicated above and the impugned Award passed by the Tribunal is modified and the appellants are entitled for distribution of the aforesaid Award in the same proportion as granted by the Tribunal. They are entitled to interest @ 7.5% per annum from the date of filing of the Original Petition till the date of realisation. The second respondent-Insurance Company shall deposit the aforesaid amount, less any amount that had already been deposited earlier, together with interest within a period of 30 days from the date of receipt of a copy of this judgment. There shall be no order as to costs in this appeal.

(N.S.K.,J.) (R.S.V.,J.)
19-01-2026

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To

1. The Special District Judge/Motor Accidents Claims Tribunal, Salem.
2. The Record Keeper, V.R.Section, High Court, Madras.



CMA No. 1231 of 2



**N.SATHISH KUMAR, J.
and
R.SAKTHIVEL, J.**

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CMA No. 1231 of 2025

19-01-2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

CMA No. 1231 of 2025

1.Venkateshwari & another

Appellant(s)

Vs

1.K.Munikrishna & another

Respondent(s)

For Appellant(s): Mr.M.Mohamed Afridi

For Respondent(s): Mr.B.Sivakollappan for R2
No appearance for R1

ORDER

(Order of the Court was made by N. Sathish Kumar J)

Today, the matter is listed under the caption “for being mentioned”.

2.It is stated by the learned counsel for the appellants that, while calculating the compensation, the future prospects @ 40% comes around Rs.10,20,000/-. Though in Para No.10, wherein, the earlier order in the connected Appeal is extracted, the future prospects have been correctly shown,



the same is not reflected while arriving at the total compensation at Para No.11.

Hence, the learned counsel seeks correction of the same.

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3.In view of the same, Para No.11 of the judgment dated 19.01.2026 in C.M.A.No.1231 of 2025 shall read as follows :

“11. In the case on hand, we revise the compensation awarded by the Tribunal, as follows :

Sl. Nos.	Heads under which compensation is awarded	Amount awarded by the Tribunal	Amount awarded by this Court	Enhanced/ Confirmed/ Reduced
1.	Loss of income	Rs.10,20,000/-	Rs.25,50,000/- (Rs.25,000 x 12 x 17 less half)	Enhanced
2.	Future Prospects	-	Rs.10,20,000/- (Rs.25,50,000 x 40%)	Added
3.	Loss of love and affection	Rs.40,000/-	Rs.80,000/- (Rs.40,000/- x 2)	Enhanced
4.	Medical expenses	Rs.90,000/-	Rs.90,000/-	Confirmed
5.	Funeral expenses	Rs.25,000/-	Rs.15,000/-	Reduced
6.	Loss of Estate	-	Rs.15,000/-	Added
7.	Transportation Expenses	-	Rs.15,000/-	Added
	Total	Rs.11,75,000/-	Rs.37,85,000/-	

4.Registry is directed to carry out the aforesaid correction and issue fresh copy of the order to the parties.

(N. SATHISH KUMAR J.)(R.SAKTHIVEL J.)
26-02-2026

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Internet: Yes

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The Special District Judge/
Motor Accident Claims Tribunal,
Salem.

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AND
R.SAKTHIVEL J.**

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