



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

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

CMA No. 2266 of 2025 and CMP.No.191126 of 2025

1. Alphonsa
2. Irudhayaraj

Appellant(s)

Vs

1. S. Sekar

2.The Oriental Insurance Co.Ltd.,
Third Party HUB 2nd Floor, Broadway,
Pragasam Salai, Chennai 108.

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to enhance the compensation amount awarded in the order dated 19.09.2024 made in MCOP NO.5294 of 2022 on the file of the learned MACT/Special Sub Court No.1, Motor Accidents Claims Petition, Small Causes Court, Chennai.

For Appellant(s): Mr.A.Saravanan

For Respondent(s): Mr.J.Chandran for R2

JUDGMENT

(Judgment was made by N.Sathish Kumar J.)

Appeal has been filed seeking enhancement of the compensation amount passed in the award made in MCOP.No.5294 of 2022 on the file of the learned MACT/Special Sub Court No.1, Motor Accidents Claims Petition, Small Causes Court, Chennai, the present appeal has been filed. The appellant herein are the claimants. The second respondent is the insurer of the offending vehicle and the first respondent is the owner of vehicle.



2. Brief facts in filing the appeal is as follows:-

2.a. On 11.02.2020, the deceased was seated as pillion rider in the vehicle TN-48-AW-1044 (Passion Pro) was proceeding from the opposite direction and dashed the testing driving car bearing Reg.No.TN-TC-2019/1/18 proceeding from Vandalur to Avadi, over bridge, as a result, the deceased was thrown out in over bridge, fell down on the service road and died on spot. The first respondent's vehicle driver drove the vehicle in a rash and negligent manner. The deceased was working as Engineer at HTC Global Service(India) Ltd and was earning Rs.35,000/- at the time of death and hence, the claimants filed the petition claiming compensation.

2.b. It is the contention of the Insurance Company before the Tribunal that accident had occurred solely due to the negligence of the rider of the vehicle and the rider did not possess valid driving license. Before the Tribunal, on the side of the claimants, PW1 and PW2 were examined and Exs.P1 to P17 were marked. On the side of the respondents, none was examined and no documents were marked.

2.c. Based on the material and evidences, the Trial Court awarded the compensation as follows:-

Sl.No.	Heads	Calculation
1	Total loss of dependency	Rs.21,42,000/-
2	Loss of consortium	Rs.80,000/-



Sl.No.	Heads	Calculation
3	Loss of estate	Rs.15,000/-
4	Funeral expenses	Rs.15,000/-
5	Transport expenses	Rs.5,000/-
Total compensation is fixed at		Rs.22,57,000/-

2.d. The Trial Court while fixing the compensation took the notional monthly income as Rs.15,000/- added 40% future prospects and applied the multiplier as per the age of the deceased and considering other aspects, awarded the compensation.

3. The appellant has come up with the instant appeal seeking enhancement of the compensation.

4. The learned counsel for the appellant submitted that since the first appellant is aged and uneducated person, at the time of trial, they could not produce the bank statement and appointment order of the deceased and thus, sought to enhance the compensation awarded by the Trial Court.

5. Heard the learned counsel for the appellants and the learned counsel for the second respondent and perused the materials placed on record.

6. The petitioner has also filed an application in CMP.No.19126 of 2025



to receive the additional documents, particularly, statement of bank account of the deceased, wherein, the salary to the deceased has been credited. The bank statement has been certified under the Bankers' Books Evidence Act and there is no serious dispute by the other side. Considering such certified copy has been produced and in order to arrive at just and fair compensation, this petition is ordered. Accordingly, two documents are taken on file and marked as Exs.P18 and 19. They are

- a. Ex.P18 – The appointment order of deceased
- b.Ex.P19 – The statement of account of the deceased.

7. The accident is not in dispute. The age of the deceased was 29 years at the relevant point of time, this is also clearly established and not denied by the respondents. The only plea of the appellants is seeking for enhancement of compensation. As far as the enhancement of compensation is concerned, the Trial Court has fixed the notional monthly income at Rs.15,000 despite the fact that Ex.P7 salary certificate has been adduced. The Trial Court did not believe the certificate only on the ground that the corresponding document to prove the salary has not been filed. Now, the bank statement for more than 2 years is filed which has been duly certified by the bank, same clearly indicate that monthly salary has been credited into the bank and the same would come around Rs.28,750/- continuously. In such view of the matter, we are of the view that admittedly as per Ex.P7, he was employed and though it is a temporary job, he



was continuously receiving salary at the same range. Hence, the last salary received has to be taken note of and we fix the income of the deceased at Rs.28,750/- for arriving just and fair compensation and adding 40% future prospects as ordered by the Trial Court, it will come to a sum of Rs.40,250/- (28750+11500). Thus, the annual income of the deceased is fixed as Rs.4,83,000/- (40250x12). With regard to other aspects, the judgment of the Trial Court does not require interference. Accordingly, award amount is enhanced below:-

Sl. No.	Heads	Calculation
1	Total loss of dependency [Rs.4,83,000 - 1/2 (deduction) = 2,41,500] [Rs.2,41,500x17(multiplier)]	Rs.41,05,500/-
2	Loss of love and affection	Rs.80,000/-
3	Loss of estate	Rs.15,000/-
4	Funeral expenses	Rs.15,000/-
5	Transport expenses	Rs.5,000/-
Total compensation is fixed at		Rs.42,20,500/-

8. In fine,

(i) this Civil Miscellaneous Appeal stands allowed to the extent indicated above. Accordingly, the compensation awarded is enhanced from Rs.22,57,000/- to Rs.42,20,500/-. The rate of interest awarded by the Tribunal remains in tact. No Costs.

(ii) the second Respondent/ Insurance Company is directed to deposit the



enhanced award amount before the Tribunal, within a period of four weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.

(iii) On such deposit being made, the claimants are permitted to withdraw their share in the award amount with proportionate accrued interest and costs, equally, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(iv) the Claim Petitioners are directed to pay the court fee, if any, for the enhanced compensation amount and the Registry is directed to draft the decree only after the receipt of Court fee.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
05-02-2026

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



CMA No. 2266 of 2025



To

The Special Judge No.1 to deal with
MCOP Cases
Special Sub Court No.1, Motor
Accidents Claims Petitions)
Small Causes Court, Chennai



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**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

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