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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 754 of 2024

CNR: {HCMA010510752024}

1. Santhi
   W/o. Venkatachalam

2. Venkatachalam
   S/o. Perumal

..Appellant(s)

Vs

1. G. Thiyagarajan
   S/o. R. Gunasekaran

2. M/s. United India Insurance Co. Ltd
   Issuing Office at No.146, Kumar Complex,
   Anna Salai, Tiruchengode, Namakkal Dt,
   Having Office at No.1, TP Hub, No.104-A,
   Ranga Building, Peramanur Main Road, Near
   Four Roads, Peramanur, Salem.

..Respondent(s)

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order in MCOP No.132 of 2022 dated 01.12.2023 on the file of the Motor Accident Claims Tribunal, Special District Judge, MCOP Tribunal, Salem.

For Appellant(s): Mr.R.Navaneetha Krishnan

For Respondent(s): Mr.C.Paranthaman for R2

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JUDGMENT

Unsuccessful claimants have preferred this Civil Miscellaneous Appeal seeking enhancement of compensation.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, for the death of one Sathish, who died in a road accident that took place on 21.11.2021. The claimants are the parents of the deceased Sathish.

3. According to the claimants, on 21.11.2021 at about 20.30 hours, the deceased was riding a two wheeler bearing Registration No TN 30 AF 9111 on Danishpet – Deevattipatti main road at Kadayampatti near Bharat petrol bunk, at that time, a borewell lorry bearing Registration No KA 10 7515 was driven by its driver in a rash and negligent manner and hit against the two wheeler. Due to which, the deceased sustained grievous injuries all over his body and he died on the spot. According to the claimants, the deceased was aged about 20 years and was earning not less than Rs.25,000/- per month in building tiles work at the time of accident.

4. The first respondent remained absent and was set *ex parte* before the Tribunal.

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5. The second respondent/Insurance Company has filed counter statement wherein the second respondent denied the manner of accident.

6. Before the Tribunal, on behalf of the claimant, the second claimant was examined himself as PW1 and Ex.P1 to Ex.P16 were marked. On behalf of the second respondent, no witness was examined and Ex.R1 was marked.

7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only due to rash and negligent act of the driver of the offending vehicle.

8. With regard to quantum of compensation, in the absence of proof of monthly income, the Tribunal fixed Rs.10,000/- as notional monthly income of the deceased, included 40% towards future prospects, deducted 1/2 income of the deceased towards personal and living expenses of the deceased, applied multiplier '18' and awarded a sum of Rs.10,80,000/- as compensation under the head Loss of income. The Tribunal also awarded compensation under various heads hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Loss of income	10,80,000/-
2.	Loss of love and affection	40,000/-

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S.No	*Heads*	*Amount awarded by the Tribunal*
	(Rs.20,000/- x 2)	
3.	Funeral expenses	25,000/-
	Total	**Rs.11,45,000/-**

9. Aggrieved over the same, the claimants have preferred this present appeal seeking for enhancement of compensation.

10. The learned counsel for the appellants / claimants would submit that the accident took place in the year 2021, at the time of accident the deceased was aged about 20 years and he was doing building tiles work and earning not less than Rs.25,000/- per month. However, the Tribunal fixed the notional monthly income of the deceased only as Rs.10,000/- including future prospects, which, according to him, is very meagre. He therefore, prayed for enhancement of compensation.

11. *Per contra,* learned counsel for the second respondent / Insurance Company would submit that the deceased was doing building tiles work and earning not less than Rs.25,000/- per month. In the absence of proof of monthly income, the Tribunal has rightly fixed a sum of Rs.10,000/- as notional monthly income of the deceased. Further would submit that the Tribunal has erroneously awarded a sum of Rs.25,000/- under the head funeral expenses, which is not

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proper and reasonable.

12. Heard learned counsel for the appellant, learned counsel for the second respondent and perusal the materials available on record.

13. There is no dispute with regard to the manner of accident and negligence fixed on the part of the driver of the offending vehicle. The only grievance of the claimant is that the fixation of notional income of the deceased by the Tribunal is not proper. According to the claimants, the deceased was doing building tiles work and earning not less than Rs.25,000/- per month. In the absence of satisfactory income proof, the Tribunal fixed the notional monthly income of the deceased as Rs.10,000/- including future prospects. Considering the age of the victim and the year of the accident, this Court is of the opinion that fixing notional monthly income of the deceased at Rs.17,000/- would meet the ends of justice. As per the decision of the Supreme Court of India in ***National Insurance Co. vs Pranay sethi and others*** reported in ***2017 (2) TNMAC 601***, 40% is added towards future prospects of the deceased. Since the deceased died as a bachelor, 50% of the deceased's income should be deducted towards his personal and living expenses. The proper multiplier to be adopted in the instant case is 18 as per the decision of the Hon'ble Apex Court rendered in ***Sarla Verma and others vs. Delhi Transport Corporation and another*** reported in ***(2009) 6 SCC 121.***

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Calculation

Notional Income = Rs.17,000/-

40% Future Prospects = Rs.23,800/-

After 1/2 deduction = Rs.11,900/-

Loss of dependency

= Rs.11,900/- x 12 x 18

= Rs.25,70,400/-

13.1. The Tribunal has awarded a sum of Rs.40,000/- under the head loss of love and affection, which is not proper and the same is enhanced to Rs.80,000/- (Rs.40,000/- each x 2) under the head loss of love and affection. The Tribunal has awarded a sum of Rs.25,000/- under the head funeral expenses which is not proper and the claimants are entitled to a sum of Rs.15,000/- under the head funeral expenses. The Tribunal has not awarded compensation under the head loss of estate and this Court is inclined to grant a sum of Rs.15,000/- under the head loss of estate.

14. The following tabular column would show the enhanced amount awarded by this Court under various heads.

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S.No	*Heads*	*Amount awarded by this Court*
1.	Loss of dependency	25,70,400/-
2.	Loss of love and affection	80,000/-
3.	Funeral expenses	15,000/-
4.	Loss of estate	15,000/-
	Total	**Rs.26,80,400/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.26,80,400/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

16. In the result,

i. The appeal is partly allowed. No costs.

ii. The compensation awarded by the Tribunal is enhanced to **Rs.26,80,400/-.**

iii. The second respondent, United India Insurance Company Limited, Salem, is directed to deposit the enhanced amount of **Rs.26,80,400/-** (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP No.132 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Judge, MCOP Tribunal, Salem. within a period of six weeks from the date of

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receipt of a copy of this order/uploading of this order.

iv. On such deposit being made, the claimant is at liberty to withdraw the same on filing appropriate application before the Tribunal. The ratio of apportionment made by the Tribunal shall be kept intact.

v. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal.

29-10-2026

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

MTL

To

1. The Motor Accident Claims Tribunal,
Special District Judge, MCOP Tribunal, Salem.

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

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M.JOTHIRAMAN, J.

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