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C.M.A.No.902 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2026

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.902 of 2026

1.C.Pandiyan
2.P.Ragu

... Appellants / Petitioners

vs.

1.M/s.KCP Engineers Private Ltd.,
No.117-B,Periyar Nagar,
Puliyakulam, Ramanathapuram,
Coimbatore-641 045.

2.The New India Assurance Co. Ltd.,
(Motor Third Party Cell),
Bombay Mutual Building, 6th Floor,
No.232, N.S.C., Bose Road,
Chennai-600 001.

... Respondents / Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Order dated 23.07.2025 made in M.C.O.P.No.489 of 2023 on the file of the Motor Accident Claims Tribunal / IV Court of Small Causes, Chennai.

For Appellants : Mr.K.Balaji

For Respondents : Mr.A.Salomi [R2]



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JUDGMENT

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Not satisfied with the quantum of compensation awarded on 23.07.2025 passed in M.C.O.P.No.489 of 2023 by the Motor Accident Claims Tribunal / IV Court of Small Causes, Chennai, this Civil Miscellaneous Appeal has been preferred by the claimants for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Claim petition was filed under Section 166 of Motor Vehicles Act, 1988, by the legal heirs of the deceased Jaya, who died on account of the accident that took place on 08.01.2022 claiming compensation of Rs.25,00,000/-.

4. The Tribunal upon consideration of evidence and after hearing the arguments advanced by either side, granted compensation of Rs.16,68,800/- with 7.5% interest per annum from the date of claim petition. The amounts awarded under various heads are given hereunder:-

Towards Loss of Dependency - Rs.15,48,800/-; Towards loss of



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consortium - Rs.80,000/-; Towards loss of Estate and Funeral Expenses – Rs.15,000/- under each head; Towards Transport Charges - Rs.10,000/- in toto Rs.16,68,800/- was granted.

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5. The only ground urged by the learned counsel for the appellants / claimants is that notional income of the deceased fixed by the Tribunal is less and sought for enhancement of compensation.

6. Per contra, the learned counsel for the 2nd respondent/Insurance Company would strenuously argue that to substantiate the income of the deceased no concrete proof is filed and marked. The Tribunal assumed notional income of the deceased as Rs.16,000/- p.m., is quiet reasonable and acceptable and hence, it does not require any interference by this Court.

7. The manner in which the accident took place is not in dispute. It has come on record through the evidence of PW1 that the deceased was a house keeper and earning a sum of Rs.14,500/- p.m., at the relevant point of time. To substantiate the income details, no substantial proof was marked and proved. Date of accident is 08.01.2022. Age of the deceased



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is taken as 54 years at the relevant point of time by the Tribunal is acceptable.

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8. In consideration of the above said details, this Court deems fit to fix the notional income of the deceased at Rs.20,000/- p.m. As held in **National Insurance Co. Ltd., v. Pranay Sethi and others**, reported in **2017 (2) TN MAC 609(SC)**, standard addition of 10% is required to be added with the notional income of the deceased as future prospects while computing the loss of dependency. Claimants are husband and son. As held in **Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another** reported in **2009 (2) TN MAC 1 (SC)**, 1/3rd has to be deducted towards personal and living expenses. The relevant multiplier to be selected is 11m. Based on the aforestated details, for computing loss of dependency, following formula emerges :-

$$\text{Rs.20,000/-} + 10\% - 1/3 \times 12 \times 11\text{m} = \text{Rs.19,36,044/-}.$$

9. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence, it does not warrant any interference by this Court. Therefore, the amounts awarded as mentioned supra, is reworked and tabulated below:-



Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	Towards Loss of Dependency	Rs.15,48,800/-	Rs.19,36,044/-	Enhanced
2	Towards Loss of Consortium	Rs. 80,000/-	Rs. 80,000/-	Confirmed
3	Towards Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	Towards Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
5	Towards Transport Charges	Rs. 10,000/-	Rs. 10,000/-	Confirmed
	Total	Rs.16,88,800/-	Rs.20,56,044/-	
	Rounded of as		Rs.20,56,000/-	

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.16,68,800/- to **Rs.20,56,000/-** which would carry interest at the rate of 7.5% per annum from the date of claim petition.

11. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.16,68,800/- to **Rs.20,56,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.20,56,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition



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(excluding the period of default, if any) to the credit of M.C.O.P.No.489

of 2023 on the file of the IV Court of Small Causes(to deal with M.C.O.P. cases), Chennai within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellants/claimants are permitted to withdraw the amount now determined by this Court, as per the apportionment made by the Tribunal, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal.

(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

01.06.2026

Index : Yes/No

Speaking / Non-speaking order

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To:

1. The Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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