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CMA No. 1987 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

C.M.A. No. 1987 of 2025

and

C.M.P.No.17366 of 2025

1. Poornima
W/o.Late Thiyagu, D/o.Ammasai, res at NO.5/7,
Harijana Colony, T.N.Palayam, Vanipudhur ,
T.N.Palayam Via, Gobichettipalayam Taluk

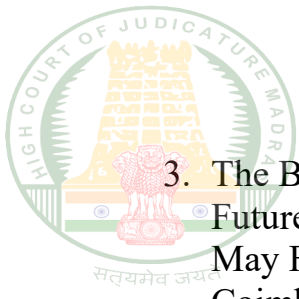
2. Minor Sabaridharshan
(Minor rep. by his next friend, Guardian Mother
Poornima) res at NO.5/7, Harijana Colony,
T.N.Palayam, Vanipudhur , T.N.Palayam Via,
Gobichettipalayam Taluk

..Appellant(s)

Vs

1. Pasupathi
S/o.Thirumoorthi, D.No.158, Ambedkar Colony
Elayagraman, Perundurai Taluk, Erode District.

2. M/s.Aviram Knitters
No.34-A, 2nd Street, P.N.Road, Tiruppur-Post
and District



3. The Branch Manager
Future General India Insurance Co. Ltd. No.1510,
May Flower Mid City, 2nd Floor, Trichy Road,
Coimbatore Post and District.

4. Chenniappan
S/o.Karuppan, 2/381, MGR Nagar,
Kanakkampalayam, Gobichettipalayam,
Erode District.

5. Kuppulakshmi
W/o.Chenniappan, 2/381, MGR Nagar,
Kanakkampalayam, Gobichettipalayam,
Erode District.

..Respondent(s)

To enhance the compensation as awarded by the Motor Accident Claim Tribunal, III Additional District and Sessions Judge, Gobichettipalayam, Erode District in M.C.O.P.No.178 of 2019 dated 30.09.2024 from Rs.26,90,800/- to Rs.55,00,000/-.

For Appellant(s): MR.D.Veerasekharan

For Respondent(s): M/S.C.Harini

For MR.M.B.Raghavan For R3

Not ready in notice reg RR1, 2, 4 & 5



JUDGMENT

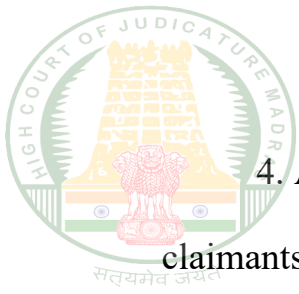
(Judgment of the Court was delivered by K.Rajasekar J.)

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The claimants in M.C.O.P.No.178 of 2019 have come forward with this appeal seeking enhancement of compensation in the Award dated 30.09.2024 on the file of the III Additional District and Sessions Judge, Motor Accident Claims Tribunal, Gobichettipalayam, Erode District.

2. The claimants herein are the dependants of one Thiyaagu, who died in the road accident on 23.07.2018. They have come forward with the claim petition seeking compensation from the respondents. The third respondent/Insurance Company, insurer of the offending vehicle has contested the claim and disputed the negligence alleged against the owner of the offending vehicle and also disputed the quantum of compensation claimed.

3. The Tribunal, after considering the evidence placed on record before it has accepted the case of the claimants and held that the first respondent has driven the vehicle in a rash and negligent manner and caused accident and thereby the second respondent, the owner of the offending vehicle and the third respondent Insurance Company and an insurer of the offending vehicle are liable to pay the compensation for a sum of Rs.26,90,000/- along with interest.

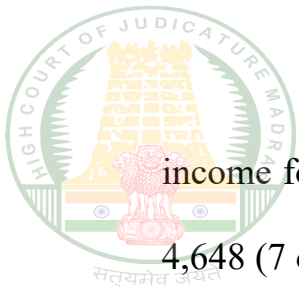


4. Aggrieved over the quantum of compensation fixed by the Tribunal the claimants have approached this Court seeking for enhancement of compensation.

5. The only point raised by the learned counsel for the claimants is that while submitting the Salary Certificate of the deceased, Ex.P10, the employer had furnished a certificate for the last month's salary wherein, it was stated that the deceased had worked for only 23 days. By accepting the same as monthly income, the entire quantum of compensation has been determined by the Tribunal.

6. We have heard the submissions made on both sides and also perused the materials available on record.

7. According to the learned counsel for the claimants, since the pay certificate is concerned only with 23 days salary, i.e., Rs.15,272/- it has to be converted to a full month by adding the proportionate amount, and compensation has to be quantified accordingly. We have perused Ex.P10-Salary Certificate, and we agree with the said contention. Accordingly, the monthly



income for one full month would be arrived at Rs.19,920/- [15,272 (23 days) + 4,648 (7 days)].

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8. There is no dispute with regard to the employment of the deceased claimed by the claimants. The deceased was worked as Work Inspector in the Office of the Vaniputhur Town Panchayat which is a permanent job. In view of the same, the deceased is also entitled for future prospects to the extent of 50% as held by the Apex Court in *National Insurance Co. Ltd., vs. Pranay Sethi and other (2017(2) TN MAC 609 (SC): 2017 (16) SCC 680*). Thus the amount comes to Rs.29,880/- [19,920 + 9,960 (50% of 19,920)].

9. The Tribunal has rightly deducted 1/4 towards personal expenses of the deceased since the dependents are four in number.

10. The deceased was aged about 35 years at the time of accident, as per the Judgment of the Apex Court in *Sarla Verma and others Vs. Delhi Transport Corporation and others [2009 ACJ 1298 SC : 2009 (6) SCC 121]* the Tribunal has rightly applied multiplier '16'.

11. Accordingly, the quantum of compensation under the head loss of dependency is arrived as follows: Rs.43,02,720/- [29,880 x 12 x 16 x 3/4].

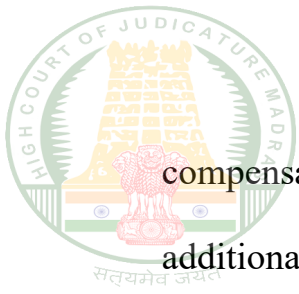


12. The Tribunal has awarded compensation of Rs.40,000/- under the head loss of consortium as per the Judgment of the Apex Court in ***Magma General Insurance Co. Ltd., vs. Nanu Ram and Others*** [2018 (18 SCC 130 : MANU/SC/1012/2018] and ***United India Insurance Co., Limited vs. Satinder Kaur and Ors.*** [MANU/SC/0500/2020 : (2021) 11 SCC 780] each claimants are entitled for a sum of Rs.40,000/- under the head loss of Consortium. We inclined to enhance the same at Rs.1,60,000/- [40,000 x 4].

13. As far as the other conventional heads such as Loss of Estate and Funeral Expenses are concerned, the Tribunal has rightly awarded Rs.15,000/- on each heads and there are no need for interference and we are inclined to confirm the same.

14. The compensation amount shall be shared among the claimants and the respondent Nos.4 and 5 herein and in the claim petition as per the apportionment fixed by the Tribunal.

15. Since this Court has considered the salary particulars of the deceased from the records and arrived at a monthly income for determining the



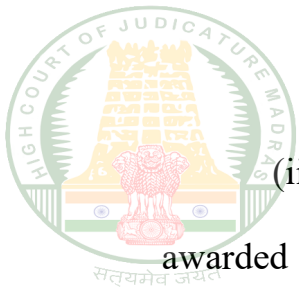
compensation, C.M.P.No.17366 of 2025 has been filed seeking for receiving additional documents, does not arise at this stage. Accordingly, C.M.P.No.17366 of 2025 stands closed.

16. Accordingly, the award passed by the Tribunal under various heads are hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or reduced
1.	Loss of Dependency	Rs.26,20,800/-	Rs.43,02,720/-	Enhanced
2.	Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
3.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
4.	Loss of Consortium	Rs.40,000/-	Rs.1,60,000/-	Enhanced
	Total Compensation	Rs.26,90,800/-	Rs.44,92,720/-	Enhanced to Rs.18,01,920/-

17. In the result, this Civil Miscellaneous Appeal is allowed.

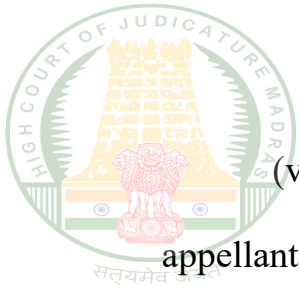
(i) The compensation awarded by the Tribunal at Rs.26,90,800/- is hereby enhanced to Rs.44,92,720/- [Rupees Forty Four Lakhs Ninety Two Thousand Seven Hundred and Twenty only] together with interest at the rate of 7.5% per annum from the date of filing of Claim Petition till the date of deposit, excluding the default period, if any.



(ii) The Insurance Company is directed to deposit the amount now awarded by this Court along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.178 of 2019, on the file of the Motor Accident Claims Tribunal, III Additional District Judge, Erode at Gobichettipalayam. On such deposit, the appellants and the respondents 4 and 5 are permitted to withdraw the amount as apportioned by the Tribunal along with interest and costs, less the amount already withdrawn, if any.

(iii) The Tribunal shall disburse the amount now awarded by this Court by crediting in to the Savings Bank Account of the claimants and the respondents 4 and 5.

(iv) The share of the minor appellant is directed to be deposited in any one of the interest bearing Nationalized Bank till the minor claimant attains the age of majority. On such deposit, the first claimant being the mother of the minor claimant is permitted to withdraw the accrued interest once in three months for the welfare of the minor appellant. If he already attains the age of majority his share may be directly disbursed to his bank account.



(v) Since this Court has enhanced the compensation, the appellants/claimants are directed to pay the necessary Court fee, if any, on the enhanced compensation.

(vi) In other aspects the award of the Tribunal shall stands confirmed.

(vii) There shall be no order as to costs in the present appeal.

(viii) Consequently, the connected miscellaneous petition stands closed.

(C.V.K.,J.) (K.R.S.,J.)

17-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI

To:

1. The III Additional District and Sessions Judge,
Motor Accident Claims Tribunal,
Erode District at Gobichettipalayam.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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K.RAJASEKAR, J.

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