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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3546 of 2026

CNR:{HCMA010779572026}

Case QR

1. Vijayakumari
   W/o.Late Elangovan,
   Rest.at Navadiling Road,
   Lakshmi Narasimma Nagar,
   Besso Orphanage,
   Hosur Post, Krishnagiri 635 109.

2. Devi
   W/o.Kannan.
   Rest.at Navadiling Road,
   Lakshmi Narasimma Nagar,
   Besso Orphanage,
   Hosur Post, Krishnagiri 635 109.

3. V.Palani
   S/o.T.S.Velu,
   Rest.at Navadiling Road,
   Lakshmi Narasimma Nagar,
   Besso Orphanage,
   Hosur Post, Krishnagiri 635 109.

..Appellant(s)

Vs

1. R. Saravanan
   S/o.Raji,
   (Owner of the Lorry),
   No.5/213, Ankinayanapalli Village and Post,
   Bargur Tk., Krishnagiri Dist.

2. The Divisional Manager
   The New India Assurance Co.Ltd.,
   Divisional Office -III,
   Sharon Building, No.161-A, East Veli Street,
   Madurai.

..Respondent(s)

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Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to enhance the compensation amount made in order dated 22-01-2025 made in MCOP.No.586 of 2023 on the file of the MACT, Spl.Dist.Court for MACT, Krishnagiri by allowing this CMA.

For Appellant(s): Mr.S.P.Yuaraj

For Respondent(s): M/s. P. Sankaranarayanan
For R2

JUDGMENT

Unsuccessful claimants have preferred this appeal seeking enhancement of compensation, vide award dated 22.01.2025 made in MCOP.No.586 of 2023 on the file of the Motor Accidents Claims Tribunal (Special District Court for Motor Accident Claim Cases), Krishnagiri.

2. Claim Petition has been filed under Section 166 of the Motor Vehicles Act, 1988 by the dependents of the deceased Sundaravalli, who died in a road accident. The claimants are daughters and son of the deceased. According to the claimants, on 10.10.2017 at about 19.15 hours, the deceased and others were travelling to Vellore in an Ambulance bearing Reg.No. TN 24 X 1857. One Ramakrishnana drove the said Ambulance and when he was proceeding at the flyover opposite to Little Flower School on Hosur to Krishnagiri NH Road, due to breakdown of Ambulance, he parked the said Ambulance on the left side of the road by giving parking light indication and was trying to start the

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Ambulance. At that time, the driver of the lorry bearing Reg.No. TN24 M 6870, belonging to the 1st respondent insured with the 2nd respondent / Insurance Company, driven by its driver in a rash and negligent manner and dashed on the backside of the Ambulance. Due to the said impact, deceased sustained fatal injuries and she was taken to Government Hospital, Krishnagiri and despite treatment, she died. According to the claimants, at the time of accident, the deceased was aged 59 years and was hale and healthy, doing silk saree weaving and earning a sum of Rs.30,000/- p.m. and the respondents 1 and 2 are jointly severally to pay compensation to the claimants.

3. The 1st respondent / owner of the offending vehicle was called absent and set *exparte* before the Tribunal.

4. The 2nd respondent / Insurance Company has filed counter statement, denying the manner of accident.

5. Before the Tribunal, the 1st claimant herself was examined as PW1, who is also an eye witness to the accident and Exs.P1 to P8 was marked. On the side of the 2nd respondent / Insurance Company, neither any witness was examined nor any document was marked.

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6. Upon appreciation of evidence adduced on either side, the Tribunal concludes that the accident occurred due to the rash and negligent driving of the driver of the offending vehicle. The Tribunal fixed the age of the deceased as 60 years at the time of accident and in the absence of proof of monthly income, the Tribunal fixed a sum of Rs.7,000/- as the notional monthly income of the deceased, added 10% towards future prospects, adopted the Multiplier "9"and considering the number of dependents, deducted 1/3rd towards personal and living expenses of the deceased and arrived the compensation towards Loss of Dependency to the tune of Rs.5,54,000/-. Since the claimants lost their mother, the Tribunal awarded a sum of Rs.44,000/- to each claimants towards loss of consortium. The Tribunal has also awarded compensation under other heads as tabulated hereunder:

Heads of Compensation	**Amount awarded by the Tribunal (Rs.)**
Loss of Dependency [7,000 +10%] = 7700 x 12 x 9 x 2/3	5,54,000
Loss of Estate	16,500
Funeral Expenses	16,500
Loss of Consortium [44000 x 3]	1,32,000
TOTAL	**7,19,400**

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

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7. The learned counsel appearing for the appellants / claimants would submit that the Tribunal erred in fixing the avocation of the deceased as Silk Weaver, without properly appreciating the evidence on record. The Tribunal failed to consider that the deceased was earning not less than Rs.30,000/- per month, whereas it has erroneously fixed a meagre sum of Rs.7,000/- as monthly income for the accident of the year 2017, which is highly unjustified.

8. *Per contra,* learned counsel appearing for the 2nd respondent / Insurance Company would submit that in the absence of proof of monthly income, the Tribunal has rightly fixed the notional income of the deceased at Rs.7,000/-. It is further submitted that the claimants 1 and 2 are married daughters of the deceased, aged about 42 years and 40 years respectively and they are residing separately and not dependent on the deceased and therefore, they are not entitled to get compensation under Loss of Dependency and they are entitled to get compensation under Loss of Love and Affection. To strengthen his contentions, he has relied upon the decision of the Hon'ble Apex Court in ***Deep Shikha and Another v. National Insurance Co. Ltd. And Ors. [2025 (1) TNMAC 689 (SC)]*** to show that once daughter is married, logical presumption is that she has rights on her matrimonial household and financially supported by her husband and his family unless proven otherwise. The learned counsel would also submit that since the claimants have failed to prove that they were being supported financially by her mother post marriage, they cannot be

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said to be the dependents of the deceased and therefore, 50% of the monthly income has to be deducted towards personal and living expenses of the deceased.

9. In response, learned counsel appearing for the appellants / claimants would submit that the married daughters are also dependent on the income of the deceased and the son, who is a major and daughter comes under the expression "Legal Representatives of the Deceased" and hence, they are entitled to get compensation and therefore, 1/4th has to be deducted towards personal and living expenses of the deceased. To strengthen his contentions, he has relied upon the decisions of the Hon'ble Supreme Court in ***Seema Rani & Others v. The Oriental Insurance Co. Ltd. & Others [CDJ 2025 SC 316] and Sameem Begum and Others v. Venkat Swamy and another [CDJ 2026 SC 1305].***

10. This Court considered the submissions made on either side and perused the entire materials available on record.

11. There is no dispute with regard to the manner of accident, negligence fixed on the part of the driver of the offending vehicle and liability fixed on the insurer of the offending vehicle.

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12. It is seen from the claim petition that the 1st claimant was aged about 42 years and the 2nd claimant was aged about 40 years, who are married daughters of the deceased and the 3rd claimant is the son of the deceased aged about 38 years, all are residing at Navadiling Road, Lakshmi Narasimma Nagar, Besso Orphanage, Hosur (PO), Krishnagiri. At this juncture, it is relevant to note that the Hon'ble Apex Court in the decision in ***Manjuri Bera (Smt.) v. Oriental Insurance Company Limited and Another [2007 INSC 356]*** held that the married daughter of the deceased, though not dependant on the deceased, she is entitled to compensation. She is "legal representative" under Section 166 of the Motor Vehicles Act. In the case on hand, the claimants 1 and 2 are married daughters aged about 42 and 40 years respectively and after marriage they are living separately in their matrimonial homes and they are presumed to be financially supported by her husband. In the absence of proof that they are financially dependent on their mother / deceased post marriage, they are not entitled to get compensation under Loss of Dependency and as legal representatives, they are entitled to get compensation only under the head of Loss of Love and Affection and Loss of Estate.

13. According to the claimants, the deceased was weaver of silk sarees earning Rs.30,000/- per month at the time of accident. In order to substantiate the same, they have not placed any documentary proof and in the absence of proof of monthly income and considering that the deceased was aged 60 years

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at the time of accident, the Tribunal has fixed a sum of Rs.7,000/- per month as the monthly notional income of the deceased. It is relevant to note that the accident took place in the year 2017 and the considering the cost of living at that time, this Court is of the view that fixing a sum of Rs.7,000/- appears to be meagre and therefore, this Court is inclined to fix Rs.14,000/- as the monthly notional income of the deceased.

14. It is pertinent to note that this Court has already held that the claimants 1 and 2, who are married daughters, are not the dependents of the deceased and the 3rd defendant, who is the son, alone is the dependent of the deceased and by applying the ratio laid down by the Hon'ble Apex Court in ***Deep Shikha & Anr. v. National Insurance Co. Ltd. And Others [2025 (1) TNMAC 689 (SC)],*** 50% of the income has to be deducted towards personal and living expenses of the deceased and therefore, the compensation under the head of Loss of Dependency would comes to Rs.8,31,600/- [(14,000 + 10%) = 15400 x 12 x 9 x ½]. The compensation awarded by the Tribunal under other heads appears to be reasonable and proper and does not require any interference. Thus, the compensation now determined by this Court is tabulated as hereunder:

Heads of Compensation	**Amount awarded by the Tribunal (Rs.)**
Loss of Dependency [14,000 +10%] =15,400 x 12 x 9 x 2/3	8,31,600
Loss of Estate	16,500
Funeral Expenses	16,500

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Loss of Consortium [44000 x 3]	1,32,000
TOTAL	**9,96,600**

15. In the result,

(i) This Civil Miscellaneous Appeal is partly allowed and the award dated 22-01-2025 made in MCOP.No.586 of 2023 on the file of the MACT, Special District Court for MACT, Krishnagiri, is modified to the effect that the claimants are entitled to an enhanced compensation of Rs.9,96,600/- together with interest @ 7.5. % p.a. from the date of claim petition till the date of deposit.

(ii) Since this Court already held above that the claimants 1 and 2, who are married daughters of the deceased, are not financially dependent on the deceased, out of the total enhanced compensation, they are entitled for compensation only under the head of consortium alone to the tune of Rs.88,000/- along with proportionate interest and the claimant No.3, being the major son, is entitled to the remaining enhanced compensation amount of Rs.9,08,600/- with proportionate interest and costs.

(iii) The 2nd respondent / Insurance Company is directed to deposit the compensation amount, now determined by this Court, less amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this order.

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(iv) On such deposit, the claimants / appellants are entitled to withdraw their respective shares, less amount already withdrawn, on filing appropriate application before the Tribunal and on payment on requisite Court Fee for the enhanced compensation.

(v) The claimants are not entitled for interest on the enhanced compensation for the delay period of 313 days, as per the interim order of this Court dated 07.10.2026 in CMP.No.10021 of 2026.

(vi) The manner, mode and disbursement of compensation shall be as per the order of the Tribunal.

20-11-2026

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

To
1.The Specia District Court for MACT,
Krishnagiri.

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

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M.JOTHIRAMAN J.

Jvm

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