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C.M.A.Nos.1167 & 2858 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2026

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THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.Nos.1167 & 2858 of 2025

In C.M.A.No.1167 of 2025:
M/s.National Insurance Co. Ltd.,
Murugesu Naicker Complex,
No.66, Greaves Road,
Chennai - 6.

...Appellant

vs.

1.N.Vasanthu Raja
2.K.Samuthirakani
3.S.T.Kumar
4.T.Ebenezer
s

...Respondent

In C.M.A.No.2858 of 2025:

1.N.Vasanthu Raja
2.K.Samuthirakani
3.S.T.Kumar

...Appellants

vs.

1.T.Ebenezer

2.National Insurance Co. Ltd.,
T.P.Hub, 1st floor,
No.66, Greaves Road,
Chennai - 6.

...Respondents



C.M.A.Nos.1167 & 2858 of 2025

PRAYER IN BOTH C.M.As: Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 15.07.2024 made in M.C.O.P.No.1652 of 2020 on the file of the Motor Accidents Claims Tribunal/Chief Judge Court of Small Causes, Chennai.

In C.M.A.No.1167 of 2025

For Appellant : Mr.S.Arun Kumar

For R1 to R3 : Ms.Ramya V. Rao

In C.M.A.No.2858 of 2025

For Appellants : Ms.Ramya V. Rao

For R-2 : Mr.S.Arun Kumar

COMMON JUDGMENT

Civil Miscellaneous Appeal in C.M.A.No.1167 of 2025 has been preferred by the Insurance Company against the award dated 15.07.2024 passed in M.C.O.P.No.1652 of 2022 on the file of the Motor Accidents Claims Tribunal/Chief Judge, Court of Small Causes, Chennai, for a change in quantum.

2. C.M.A.No.2858 of 2025 has been preferred by the legal heirs of the deceased Bagavathi against the award dated 15.07.2024 passed in M.C.O.P.No.1652 of 2022 on the file of the Motor Accidents Claims



Tribunal/Chief Judge, Court of Small Causes, Chennai, for enhancement of compensation.

3. Claim petition was filed by the legal heirs of the deceased Bagavathi under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.40,00,000/- for the death of Bagavathi in a road traffic accident that took place on 23.05.2020.

4. Upon consideration of the oral and documentary evidence and after hearing arguments advanced by the learned counsel appearing on either side, the Tribunal granted compensation of Rs.24,28,000/-. The amounts granted under various heads are given hereunder:

S.No	Head	Amount
1.	For loss of dependency	Rs.22,68,000/-
2.	For loss of estate	Rs. 15,000/-
3.	For loss of consortium	Rs. 1,20,000/-
4.	For funeral expenses	Rs. 15,000/-
5.	For transportation charges including damages to personal belongings	Rs. 10,000/-



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5. The learned counsel for the appellants in C.M.A.No.2858 of 2005/claimants would contend that the deceased was working as a tailor and she was earning a sum of Rs.18,000/- p.m. But the Trial Court has fixed the monthly income of the deceased at Rs.15,000/-, which is less. He would further argue that toward personal and living expenses, 50% was deducted, which is also not correct and seek for enhancement of compensation.

6. *Per contra*, learned counsel for the second respondent in C.M.A.No.2858 of 2025/Insurance Company would strenuously argue that in the given circumstances, the amounts awarded under different heads are on higher side and hence, the details to be re-visited and changed accordingly.

7. It has come on record through the evidence of P.W.1 that the deceased was working as a Tailor and earning a sum of Rs.18,000/- p.m. To substantiate the said details, no document was marked to prove the income of the deceased. The Tribunal has fixed the income of the deceased at Rs.15,000/- p.m. Date of the accident is 23.05.2020. In consideration of the aforestated details, this Court deems fit to fix the income of the deceased at Rs.16,000/- p.m. She was living with her



husband prior to her death. Therefore, based on the aforesaid details, the Tribunal has taken 50% deduction for living and personal expenses, which cannot be found fault with. There is no dispute with regard to the selection of multiplier and application of future prospects at 40%. For computation of loss of dependency, based on the aforesaid details, the following formula emerges:

$$\text{Rs.16,000/-} + 40\% - \frac{1}{2} \times 12 \times 18 = \text{Rs.24,19,200/-}$$

8. As regards other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it doesn't warrant any interference by this Court. The amounts awarded by this Court, as mentioned supra, are reworked and tabulated hereunder:

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For loss of dependency	Rs.22,68,000/-	Rs.24,19,200/-	enhanced
2	For loss of estate	Rs. 15,000/-	Rs. 15,000/-	confirmed
3	For loss of consortium	Rs. 1,20,000/-	Rs. 1,20,000/-	confirmed
4	For funeral expenses	Rs. 15,000/-	Rs. 15,000/-	confirmed
5	For transportation charges including damages to personal belongings	Rs. 10,000/-	Rs. 10,000/-	confirmed
	Total	Rs.24,28,000/-	Rs.25,79,200/-	enhanced by Rs.1,51,200/-



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9. In the result,

(i) The Civil Miscellaneous Appeal in C.M.A.No.2858 of 2025 stands partly allowed and C.M.A.No.1167 of 2025 stands dismissed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.24,28,000/- to Rs.25,79,200/-.

(iii) The second respondent in C.M.A.No.2858 of 2025/Insurance Company is directed to deposit the enhanced compensation amount i.e., Rs.25,79,200/- (less the amount already deposited, if any) along with interest at 7.5% p.a. from the date of filing of the claim petition till the date of realisation to the credit of M.C.O.P.No.1652 of 2020 on the file of the Motor Accidents Claims Tribunal/Chief Judge Court of Small Causes, Chennai, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellants in C.M.A.No.2858 of 2025/claimants are permitted to withdraw their share award amount, as apportioned by the Tribunal, with interest, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.



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

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

22.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
apd

To

1.The Chief Judge,
Motor Accidents Claims Tribunal/Court of Small Causes,
Chennai.

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



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R.KALAIMATHI, J.

apd

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