



C.M.A.No.3634 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM:

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

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1. Munni
2. Minor K.M. Mohammed Arshath
(Rep. by next friend Guardian mother, Munni)

3. K. Noorjahan
4. M. Kamaluden

... Appellants

Versus

1. V. Shanmugam
2. The National Insurance Co. Ltd.,
Divisional Office No.II, No.11,
Balaji Towers, 2nd Floor, Ramakrishna Road,
Salem – 636 007.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No.1499 of 2017, dated 01.09.2021, on the file of the Motor Accidents Claims Tribunal/ in the Court of Special District Judge, Salem.

For Appellant
For R2

: Ms. Ramya V. Rao
: Mr. D. Bhaskaran for R2
: R1 – Notice Dispensed With.



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JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award passed in M.C.O.P.No.1499 of 2017, dated 01.09.2021, on the file of the Motor Accidents Claims Tribunal, Special District Judge, Salem.

2. Briefly stated, on 15.12.2013 when the deceased, Mohammed Bilal and his friend were proceeding in a two wheeler bearing Reg.No.TN-30-AQ-4224 from Omalur to Salem near Vennankudi Muniappan Temple, when a Tata Indica car bearing Reg.No.TN-30-K-7954, driven by its driver in a rash and negligent manner, suddenly took right to make a U-Turn, without following traffic rules and regulations. Due to which, the car dashed against the two wheeler and the deceased sustained grievous injuries. He was taken to Government Hospital, Salem, where he was declared 'brought dead'. FIR was filed for hit and run against the 1st respondent/ vehicle.

2.1. The 1st petitioner is the wife, 2nd petitioner is the child and the 3rd and 4th petitioners are the parents of the deceased. The deceased was aged about 34 years and by working as an Accounts Officer at KNC Oil Company in Kuwait, he was earning a salary of Rs.50,000/- in INR at the time of the accident. Hence, the claim petition is filed for a compensation of Rs.50,00,000/-.



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3. The learned counsel for the 2nd Respondent/Insurance Company submitted that the car bearing Reg.No.TN-30-H-7594, mentioned in the FIR, is not insured with the 2nd respondent/Insurance Company and that the driver of that car was not holding a valid license at the time of the accident. The deceased contributed to the accident by not wearing a helmet. In addition, the petition is bad for non-joinder of necessary parties i.e., the owner and the insurer of the two wheeler. Hence prayed to dismiss the claim petition. However, the Tribunal granted a sum of Rs.14,25,000/- as compensation. Challenging the same its petitioners filed this Appeal seeking enhancement of compensation.

4. Heard both sides. Records perused.

5. This Court is of the considered opinion that the 2nd respondent is taking advantage of the discrepancy regarding the alphabet in the registration number only to escape the liability of paying the compensation as neither the 1st respondent nor the 2nd respondent filed any complaint against the motor vehicle inspector or the police who filed Ex.P4- MVI Report and Ex.P6- Charge Sheet, respectively. Exs.P4 and P6 indicates that the 1st respondent was the offender.

6. The Tribunal fixed the monthly income of the deceased at Rs.10,000/-. Considering the facts and circumstances of this case, the year of accident and the plight of the claimant, this Court deems it fit to enhance the annual income of the



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deceased at Rs.1,56,000/-, by fixing the notional income at Rs.13,000/- and After adding 40% towards future prospects and deducting $\frac{1}{4}$ towards personal expenses and using multiplier of 16, the loss of income is arrived at Rs.26,20,800/-.

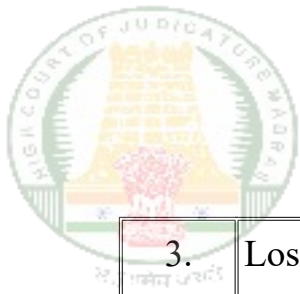
Calculation

Income (13,000×12)	= Rs.1,56,000
40% Future Prospects	= Rs.2,18,400
Multiplier 16	= Rs.34,94,400
Personal expenses ($\frac{1}{4}$)	= 34,94,400 x $\frac{1}{4}$
Loss of Income	= Rs.26,20,800/-

The amount granted under the head of love and affection is enhanced to Rs.1,20,000 (Rs.40,000×3). The petitioners are entitled to a sum of Rs.15,000/- towards loss of estate. While the amount awarded by the Tribunal under the head of loss of consortium stands confirmed, the amount awarded under the head of funeral expenses is reduced.

7. Therefore, this Court finds it reasonable to modify the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of Income	12,80,000	26,20,800	Enhanced
2.	Love and Affection	80,000	1,20,000	Enhanced



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3.	Loss of Consortium	40,000	40,000	Confirmed
4.	Funeral Expenses	25,000	15,000	Reduced
5.	Loss of Estate	NIL	15,000	Granted
	TOTAL	14,25,000/-	28,10,800/-	Enhanced by Rs.13,85,800/-

8. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.28,10,800/-.

(iii) The appellant/ claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional court fee.

(iv) The 2nd Respondent/Corporation is directed to deposit the enhanced compensation amount of Rs.28,10,800/- (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 M.C.O.P.No.1499 of 2017, on the file of the Motor Accidents Claims Tribunal, Special District Judge, Salem, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

(v) On such deposit being made, the 1st appellant is at liberty to withdraw his share as per the apportionment made by the Tribunal, with costs and interest, after filing an appropriate petition for withdrawal.

(vi) The share of the minor 2nd appellant/claimant, as apportioned by the



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Tribunal, with costs and interests, shall be deposited in a fixed deposit in any one of the Nationalised bank until he attains majority, and the guardian of the minor claimant is permitted to withdraw the interest amount accrued thereon once in six months.

(vii) The appellants/claimants are not entitled for any interest for the default period in filing the above appeal.

17.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. The Special District Judge,
Motor Accidents Claims Tribunal, Salem.
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

vsn

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