



WEB COPY



C.M.A.No.3168 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3168 of 2025

Roja

...Appellant

vs.

1.A.S.Moula

2. The Manager,
United India Insurance Company Limited,
Durgabhavani Square,
Opp to Railway Station,
Denkanikottai Road, Hosur,
Krishnagiri - 635 109.

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 05.09.2024 passed in M.C.O.P.No.779/2022 on the file of the Special District Court (MACT), Krishnagiri.

For Appellant : Mr.Mukund R.Pandiyan

For Respondent No.2 : Mr.C.Paranthaman

JUDGMENT

This Civil Miscellaneous Appeal has been preferred against the Award dated 05.09.2024 passed in M.C.O.P.No.779 of 2022 on the file of the Special District Court (MACT), Krishnagiri, for enhancement of



C.M.A.No.3168 of 2025

compensation.

WEB COPY

2. The 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, claiming compensation of Rs.50,00,000/- for the death of Prasanth s/o.Saravanan, who died due to the road traffic accident that took place on 17.01.2022.

4. The Tribunal, upon consideration of the evidence and after hearing the arguments advanced by either side, granted compensation of Rs.24,96,200/- with interest at the rate of 7.5% p.a from the date of petition and the amounts awarded under different heads are given hereunder:

S.No	Head	Amount
1.	For loss of dependency	Rs.24,19,200/-
2.	For loss of estate	Rs. 16,500/-
3.	For funeral expenses	Rs. 16,500/-
4.	For loss of consortium	Rs. 44,000/-



WEB COPY

5. The learned counsel for the appellant would strenuously contend that the deceased died at the age of 23 years and he was pursuing B.Com. degree III Year and was also doing a part time job in Zomato, Swiggy and was earning a sum of Rs.30,000/- p.m. However, the Tribunal has fixed the notional income at Rs.12,000/- p.m., which is totally inadequate and sought for enhancement of compensation.

6. *Per contra*, the learned counsel for the second respondent/Insurance Company would argue that by taking into account the age, avocation and other attending circumstances of the deceased, the amounts granted under various heads appear to be reasonable and hence, it does not warrant any interference by this Court.

7. It has come on record through the evidence of P.W.1, who is the mother of the deceased that his son Prasanth was studying B.Com. final year and was also doing a part time job at Zomato, Swiggy and was also working as a call duty driver at the relevant point of time and was earning a sum of Rs.30,000/- p.m. In order to substantiate the said details, no document is marked by the claimant. The date of accident in 17.01.2022. In consideration of the aforesaid details, monthly income of the deceased is taken as Rs.12,500/- p.m. As regards future prospects, the

Page No.3/7



C.M.A.No.3168 of 2025

Hon'ble Supreme Court has standardised the details in *National Insurance Co. Ltd., v. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), wherein for the age group of persons below 40 years, 40% has to be added for computing the loss of dependency. As per Ex.P6/Transfer Certificate and Ex.P10/Driving licence of the deceased, the age of the deceased is taken as 23 years. As held in *Sarla Verma -vs- Delhi Transport Corporation and another*, reported in 2009(2) TNMAC 1 (SC), the relevant multiplier to be adopted is '18m'. As regards deduction for personal and living expenses, as the deceased died as a bachelor leaving his widowed mother, 1/3rd has to be deducted. Based on the aforesaid details, the following formula emerges for computing loss of dependency:

$$\text{Rs.12,500/-} + 40\% - 1/3 \times 12 \times 18 \text{ M} = \text{Rs.25,20,072/-}$$

8. As regards other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it does not warrant any interference by this Court. The amounts awarded by this Court as mentioned supra, are re-worked 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.24,19,200/-	Rs. 25,20,072/-	enhanced



C.M.A.No.3168 of 2025

2	For loss of estate	Rs. 16,500/-	Rs. 16,500/-	confirmed
3	For funeral expenses	Rs. 16,500/-	Rs. 16,500/-	confirmed
4	For loss of consortium	Rs. 44,000/-	Rs. 44,000/-	confirmed
	Total	Rs.24,96,200/-	Rs.25,97,072/-	
	Rounded off	Rs.24,96,200/-	Rs.25,97,100/-	Enhanced by Rs.1,00,900/-

9. In the result,

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

(ii) The compensation awarded by the Tribunal is enhanced from Rs.24,96,200/- to Rs.25,97,100/-.

(iii) The second respondent/Insurance Company is directed to deposit the enhanced compensation amount i.e.Rs.25,97,100/- (less the amount already deposited, if any) along with interest at 7.5% p.a. from the date of claim petition till the date of realisation to the credit of M.C.O.P.No.779 of 2022 on the file of the Motor Accident Claims Tribunal / Special District Court, Krishnagiri, 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 appellant/claimant is permitted



C.M.A.No.3168 of 2025

to withdraw the award amount with interest, after deducting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(v) The claimant is 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 claimant.

9.01.2026

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

(2/2)



WEB COPY



C.M.A.No.3168 of 2025

R.KALAIMATHI, J.

apd

To

1.The Judge,
Motor Accident Claims Tribunal / Special District Court,
Krishnagiri.

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

C.M.A.No.3168 of 2025

09.01.2026

(2/2)