



C.M.A.No.3167 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.3167 of 2025

- 1.Maheswari
- 2.Asha
- 3.Minor Pooja
- 4.Minor Salamma
- 5.Rangamma

Minors/petitioners no.3 and 4 are represented
by their sister/first petitioner Maheswari

...Appellants

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, against the judgment and decree dated 05.09.2024 made in M.C.O.P.No.856/2022 on the file of Motor Accident Claims Tribunal / the Special District Court, Krishnagiri.

For Appellants : Mr.Mukund R.Pandiyan

For R-2 : Mr.C.Paranthaman



C.M.A.No.3167 of 2025

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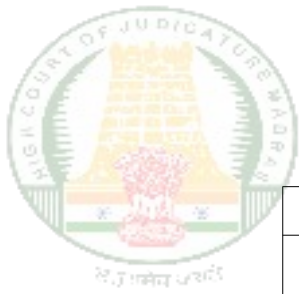
JUDGMENT

This Civil Miscellaneous Appeal has been preferred against the Award dated 05.09.2024 passed in M.C.O.P.No.856/2022 on the file of the Special District Court (MACT), Krishnagiri, for enhancement of compensation.

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 Marimuthu S/o.Kuppanna, who died due to the road traffic accident that occurred on 17.01.2022.

4. The Tribunal upon consideration of the evidence and after hearing arguments advanced by either side, granted compensation of Rs.21,43,000/- with interest at the rate of 7.5% p.a from the date of petition and the amounts granted under different heads are given hereunder:



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C.M.A.No.3167 of 2025

S.No	Head	Amount
1.	For loss of dependency	Rs.18,90,000/-
2.	For loss of estate	Rs. 16,500/-
3.	For funeral expenses	Rs. 16,500/-
4.	For loss of consortium	Rs. 2,20,000/-

5. The Learned Counsel for the appellants/claimants would vehemently argue that the deceased, who was a vegetable vendor and was aged about 43 years at the relevant point of time, was earning a sum of Rs.30,000/- p.m. However, the Tribunal fixed the notional income of the deceased at Rs.12,000/-, which is less and sought for enhancement of compensation.

6. *Per contra*, the Learned Counsel for the Second Respondent/Insurance Company would strenuously contend that taking into account the age, avocation and other attending circumstances, the amounts awarded under different heads by the Tribunal are quite reasonable and sought for confirmation of the same.

7. It has come on record through the evidence of P.W.1 that the deceased Marimuthu was doing agriculture as well as vegetable business



C.M.A.No.3167 of 2025

and was earning a sum of Rs.30,000/- p.m. To substantiate the said details, no document was marked. As per Ex.P11/Postmortem Certificate, age of the deceased is taken as 43 years at the relevant point of time. Date of accident is 17.01.2022. In consideration of the aforesaid details, the notional income of the deceased is taken as Rs.17,000/- p.m. As per the law laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd., v. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), the Hon'ble Apex Court has standardised the details of future prospects to be added with notional income while computing the loss of dependency. For the persons, who are not in permanent job and for between the age group of persons of 40-50 years, 25% has to be added as future prospects. As held in *Sarala Varma -vs- Delhi Transport Corporation and another, reported in 2009(2) TNMAC 1 (SC)*, the relevant multiplier is 14 M. The claimants are five in number (daughters (4 in number) and mother). Therefore, for deduction of personal and living expenses, 1/4 is to be deducted. For computing loss of dependency, following formula emerges:

$$\text{Rs.17,000/-} + 25\% - 1/4 \times 12 \times 14 \text{ M} = \text{Rs.26,77,416/-}$$

8. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable, it does not warrant any



C.M.A.No.3167 of 2025

interference by this Court. The amounts awarded by this Court as mentioned *supra*, after rework, are tabulated hereunder:

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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.18,90,000/-	Rs.26,77,416/-	enhanced
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.2,20,000/-	Rs.2,20,000/-	confirmed
	Total	Rs.21,43,000/-	Rs.29,30,416/-	
	Rounded off	Rs.21,43,000/-	Rs.29,30,400/-	Enhanced by Rs.7,87,400/-

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.21,43,000/- to Rs.29,30,400/-.

(iii) The second respondent/Insurance Company is directed to deposit the enhanced compensation amount i.e.,Rs.29,30,400/- (less the amount already deposited, if any) along with interest at 7.5% p.a. from the



C.M.A.No.3167 of 2025

date of claim petition till the date of realisation to the credit of M.C.O.P.No.856 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 first appellant is entitled to receive Rs.8,25,000/-, the appellants 2 to 4 are entitled to Rs.6,60,000/- each and the fifth appellant is entitled to receive Rs.1,25,400/-. The claimants/appellants 1, 2 and 5 are permitted to withdraw their share of the award amount with interest, after deducting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(v) The share of the minors/appellants 3 and 4 shall be deposited in any one of the nationalized banks in an interest bearing Fixed Deposit Scheme, initially for a period of three years, renewable thereafter, till the minors attain majority and the first appellant, who is the sister of the minors, Maheswari, is permitted to withdraw interest once in three months from the said amount and utilise the same for the welfare of the minor claimants/appellants 3 and 4.

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

Page No.6/8



C.M.A.No.3167 of 2025

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

9.01.2026

(1/2)

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

To

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

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



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C.M.A.No.3167 of 2025

R.KALAIMATHI, J.

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C.M.A.No.3167 of 2025

09.01.2026
(1/2)