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C.M.A.No.343 of 2026 and C.M.P. No.4339 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 18.02.2026

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 343 of 2026 and C.M.P. No.4339 of 2026

The United India Insurance Company Limited,
The Divisional Office,
Auroindo Road, Block 19
Neyveli-3.

...Appellant

Vs.

1. Vinitha
- 2.Minor Vaishnavi
- 3.Minor Kailash
- 4.Minor Jairish

(2 to 4 Minor respondents represented by their mother
1st respondent Vinitha)

- 5.Rajalakshmi
- 6.The Managing Partner

Aghin Roadways,
No.5/93 Opposite Kaniyur Checkpost,
Karumanthampatti, Coimbatore 641 660

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award and decree dated 20.04.2023 made in M.C.O.P No.45 of 2021 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Thitakudi.



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For Appellant : Mr. J. Chandran

For Respondents : Mr. S. Udhayakumar for R1 to R5

JUDGMENT

This Appeal is directed against the award dated 20.04.2023 made in M.C.O.P No.45 of 2021 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Thitakudi.

2. Shortly stated, on 17.08.2021 at about 16.30 hours, the deceased Jayavel was riding motorcycle with one Kavitha as pillion rider from Veppur to Thitagudi. He stopped his two wheeler near burial ground between Eriyur and Kothatai village and took a short break. At that time, a lorry bearing Registration No.TN 37 CC 4968, came in a rash and negligent manner and hit the back of the deceased' two wheeler, due to which, he fell down and the back tyre of the lorry ran over him leading to his demise on the spot.

3. The claimants are the wife, children and mother of the deceased. A claim petition was filed before the Claims Tribunal by the claimants for the death of the deceased Jayavel, claiming a total sum of Rs,70,00,000/- as compensation.

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4. The claim was opposed by the appellant / Insurance Company.

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5. The learned Tribunal, after trying the issues, vide its order dated 20.04.2023 partly allowed the claim and awarded a sum of Rs.34,03,000/- to the claimants

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the appellant / Insurance Company, the Claims Tribunal, having observed that no document was filed to prove the income of the deceased, has erred in fixing the notional income of the deceased at Rs.20,000/-. He would further submit that the Tribunal ought to have fixed contributory negligence on the part of the deceased since he did not wear helmet at the time of accident. Hence, prayed for setting aside the award passed by the Tribunal.

7. On the other hand, the learned counsel for the claimants would submit that, the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.



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9. The findings of the learned Tribunal regarding the involvement of the vehicle in question, the negligence fixed on the part of the 1st respondent, and the deceased having sustained fatal injuries which ultimately resulted in his death, are not in dispute. The claimants have not filed any appeal for enhancement. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

10. Now, the question arises as to whether the Tribunal erred fixing the notional monthly income of the deceased at Rs.20,000/- without any proof of income.

11. On a perusal of the impugned order, it is seen that no proof has been adduced by the claimants for the income of the deceased. The Tribunal,



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however, has fixed the monthly income of the deceased at Rs.20,000/-, which, this Court feels, is on the higher side. Hence, considering the year of accident and there being no proof for the income of the deceased, this Court deems it fit to fix the monthly income of the deceased at Rs.18,000/-. The age of the deceased at the time of accident was 42 years. Applying the principles laid down in *National Insurance Co. vs Pranay Sethi and others* reported in **2017 (2) TNMAC 609 (SC)**, 25% is added towards future prospects and multiplier 14 is adopted as per the judgment reported in **2009 (2) TN MAC 1 (SC)**, *Sarala Varma and Others vs. Delhi Transport Corporation and Others*.

Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.18,000/-

25% Future Prospects = Rs.22,500/-

Loss of dependency

= Rs.22,500/- x 12 x 14 - 1/4

= Rs.28,35,000/-

The amounts awarded by the Tribunal under the other heads are hereby confirmed.



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12. The following tabular column would show the compensation awarded by the Tribunal and the compensation awarded by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Amount enhanced/ reduced /granted
1.	Loss of dependency	31,50,000/-	28,35,000/-	reduced
2.	Consortium	2,20,000/-	2,20,000/-	confirmed
3.	Loss of Estate	16,500/-	16,500/-	confirmed
4.	Funeral expenses	16,500/-	16,500/-	confirmed
	Total	34,03,000/-	30,88,000/-	Reduced by Rs.3,15,000/-

13. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs.

Consequently connected miscellaneous petition is closed.

ii.The quantum of compensation awarded by the Tribunal is scaled down to Rs.30,88,000/- from Rs.34,03,000/-.

iii.The appellant/Insurance company is directed to deposit a sum of Rs.30,88,000/- with interest at the rate of 7.5% per annum from the date



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of claim petition till the date of deposit, within a period of four weeks

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from the date of receipt of a copy of this order, to the credit of M.C.O.P No.45 of 2021 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Thitakudi. The appellant / Insurance Company is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.

iv. On such deposit being made, the respondents 1 and 5 are at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.

v. The share of the respondents 2 to 4 / minor claimants, as apportioned by the Tribunal, with costs and interests, shall be deposited in a fixed deposit in any one of the Nationalised bank until they attain majority, and the guardian of the minor claimant is permitted to withdraw the interest amount accrued periodically.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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K.GOVINDARAJAN THILAKAVADI, J.

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To

1. The Subordinate Judge, Motor Accident Claims Tribunal ,Thitagudi.
2. The Section Officer, VR Section, High Court, Madras.

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