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C.M.A.No.3765 of 2025 and C.M.P. No.31447 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 06.01.2026

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

C.M.A.No. 3765 of 2025 and C.M.P. No.31447 of 2025

M/s. United India Insurance Co. Ltd.

Having its Office at 178, Dr. Nanjappa Road,
Near Punjab National Bank, Gandhipuram,
Coimbatore 641 002.

...Appellant

Vs.

1. Sulaikha

2.Minor Suhaila

3.Minor. Mohammed Yusuf

Balkeesh Beebi (died)

4.T. Alex

5.G. Marudhapandian

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award and decree dated 15.04.2024 made in M.C.O.P No.351 of 2019 on the file of the Motor Accident Claims Tribunal (IV Additional District Judge), Coimbatore.

For Appellant : Mr. D. Bhaskaran



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For Respondents : Mr. K. Ramakrishnan for R1 to R3
R4 & R5 notice dispensed with

JUDGMENT

This Appeal is directed against the award dated 15.04.2024 made in M.C.O.P No.351 of 2019 on the file of the Motor Accident Claims Tribunal (IV Additional District Judge), Coimbatore.

2. Shortly stated, on 05.09.2016 at about 3.00 pm., when the deceased Basheer Ahamed was standing along with one Shahul Hameed in front of the lorry bearing Registration No.TN-43-A-6106 belonging to the 2nd respondent, the 1st respondent/driver of the lorry, suddenly started the lorry and dashed against the deceased Basheer Ahamed, as a result of which, he sustained injuries all over his body and died on the spot.

3. The claimants are the wife, children and mother of the deceased. Hence, a claim petition was filed before the Claims Tribunal by the claimants for the death of the deceased Basheer Ahamed, claiming a total sum of Rs,20,00,000/- as compensation.



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4. The claim was opposed by the Insurance Company.

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5. The learned Tribunal, after trying the issues, vide its order dated 15.04.2024 partly allowed the claim and awarded a sum of Rs.15,75,600/- as compensation to the claimants. During the pendency of the claim petition, the mother of the deceased / 4th petitioner, namely Balkeesh Beebi, died.

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the 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.18,000/-. He would further submit that the Tribunal ought to have deducted 1/3 towards the personal and living expenses for the deceased instead of 1/4, since there are only three claimants. 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



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by this Court.

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8. The findings of the learned Tribunal regarding the involvement of the vehicle in question, the negligence of the respondent No.1, driver of the vehicle, and the deceased having sustained fatal injuries which ultimately resulted in his death, are against the respondents in the claim petition. 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.

9. Now, the question arises as to whether the Tribunal erred fixing the notional monthly income of the deceased at Rs.18,000/- without any proof of income and with regard to deduction towards the personal and living expenses for the deceased.



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10. 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. Hence, considering the year of accident, this Court deems it fit to fix the monthly income of the deceased at Rs.15,000/-. Since the mother of the deceased died during the pendency of the claim petition and there are only three dependants, it is appropriate to deduct only 1/3 towards the personal and living expenses of the deceased. Since the age of the deceased at the time of accident was 56, the proper multiplier would be 9 and future prospects should be taken at 10%. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.15,000/-

10% Future prospects = Rs.16,500/-

After 1/3 deduction = Rs.11,000/-

Loss of dependency

= Rs.11,000/- x 12 x 9

= Rs.11,88,000/-

11. Considering the facts and circumstances of the case, the compensation awarded by the Tribunal, under various heads, is modified by this Court as follows:



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S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1.	Loss of dependency	14,25,600/-	11,88,000/-
2.	Funeral expenses	15,000/-	15,000/-
3.	Loss of Estate	15,000/-	15,000/-
3.	Loss of consortium	1,20,000/-	1,20,000/-
	Total	15,75,600/-	13,38,000/-

12. 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.13,38,000/- from Rs.15,75,600/-.

iii.The appellant/Insurance company is directed to deposit a sum of

Rs.13,38,000 /- with interest at the rate of 7.5% per annum from the

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



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weeks from the date of receipt of a copy of this order, to the credit of

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M.C.O.P No.351 of 2019 on the file of the Motor Accident Claims Tribunal (IV Additional District Judge), Coimbatore. 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 1st claimant is at liberty to withdraw her 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 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 claimants is permitted to withdraw the interest amount accrued thereon once in three months.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

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1. The IV Additional District Judge, Motor Accident Claims Tribunal, Coimbatore.
2. The Section Officer, VR Section, High Court, Madras.



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