WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3591 of 2026

CNR:{HCMA011055812026}

AND

CMA NO. 3593 OF 2026

Case QR

1. Akash
   S/o.Rajappa alias Rajappan,
   No.48 Somadale Estate,
   Solur, Dunsandal Post,
   Ooty, Nilgiris District.

2. Minor Krithish
   s/o.Krishnamoorthy,
   13/47H, Tantea, Naduvattam,
   Uthagamandalam, Nilgiris District.
   Minor II Appellant rep by next friend, Guardian mother Pushpavathi.

3. Sudha
   W/o.Mayan,
   Rest.at D.No.111C/4,
   Kanneri Mooku, Kokkal -Post, Solur,
   Uthagamandalam, Nilgiris District.

4. Mayan
   S/o.Rangasamy,
   Rest.at D.No.111C/4,
   Kanneri Mooku,
   Kokkal -Post, Solur,
   Uthagamandalam, Nilgiris District.

..Appellant(s)

Vs

1. Rashid
   (Driver), S/o.Abdul Salam,
   Tholichi House,
   Poithumkadavu, Azhikode Post,
   Kannur District, Kerala 670 331.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. K.T.Muhammed Kunhi (Owner)
   M/s.K.T.J Tours and Travels,
   Near Cherkukunnu Girls High School,
   Kannur Dist. Kerala 670 331.

3. Oriental Insurance Co.Ltd.,
   A 25/27 Asaf Ali Road,
   New Delhi 110 002,
   Rep. by its Branch Manager.

..Respondent(s)

CMA No. 3593 of 2026

Case QR

CNR:{HCMA011055822026}

1. Pushbavathi
   W/o.Krishnamoorthy (Late),
   D.No.130B, Kanneri Mooku,
   Solur, Nilgiris District.

2. Minor Krithish
   S/o.Krishnamoorthy,
   13/47H, Tantea, Naduvattam,
   Uthagamandalam, Nilgiris Dist.
   Minor II Appellant rep by next friend, Guardian mother Pushpavathi.

3. Sudha
   W/o.Mayan,
   Rest.at D.No.111C/4,
   Kanneri Mooku,
   Kokkal -Post,
   Solur,
   Uthagamandalam,
   Nilgiris Dist.

4. Mayan
   S/o.Rangasamy,
   Rest.at D.No.111C/4,
   Kanneri Mooku, Kokkal -Post,
   Solur, Uthagamandalam,
   Nilgiris Dist.

https://www.mhc.tn.gov.in/judis

WEB COPY

..Appellant(s)

Vs

1. Rashid
   (Driver),S/o.Abdul Salam,
   Tholichi House,
   Poithumkadavu, Azhikode Post,
   Kannur Distr., Kerala 670 331.

2. K.T.Muhammed Kunhi (Owner)
   M/s.K.T.J Tours and Travels,
   Near Cherkukunnu Girls High School,
   Kannur Dist.,
   Kerala 670 331.

3. Oriental Insurance Co.Ltd.,
   A 25/27 Asaf Ali Road,
   New Delhi 110 002,
   Rep. by its Branch Manager.

..Respondent(s)

CMA No. 3591 of 2026

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to enhance the award amount in MCOP.No.7 of 2023 passed by Motor Accidents Claims Tribunal, Subordinate Judge, Udhagamandalam, by its order dated 28.03.2025.

CMA No. 3593 of 2026

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to enhance the award amount in MCOP.No.8 of 2023 passed by Motor Accidents Claims Tribunal, Subordinate Judge, Udhagamandalam, by its order dated 28.03.2025.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Appellant(s): Mrs.P.T.Saleem Fathima
in both the Appeals.

For Respondent(s): M/s. K.J. Siva Kumar for R3

COMMON JUDGMENT

Unsuccessful claimants have preferred this appeal seeking enhancement of compensation, vide common award dated 28.03.2025 passed in MCOP.Nos.7 and 8 of 2023 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge at Udhagamandalam. CMA.No.3591 of 2026 has been preferred, aggrieved over the award passed in MCOP.No.7 of 2023 with regard to injury case. CMA.No.3593 of 2026 has been preferred, aggrieved over the award passed in MCOP.No.8 of 2023 with regard to fatal case. Claim Petitions in MCOP.Nos.7 and 8 of 2023 have been filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation for the injury sustained by the claimant / injured and by the defendants of the deceased for the death of one Krishnamoorthy, who died in a road accident. Both the MCOPs were tried jointly and common award has been passed by the Tribunal.

2. According to the claimant, on 24.01.2023 at about 19.00 house, the claimant in MCOP.No.7 of 2023 travelled as a pillion rider in the Scooty bearing Reg.No.TN 43 K 6622, driven by the deceased Krishnamoorthy, on Pakkapuram to Gudalur 16th mail near Indira Nagar on the extreme left side of the road. At that time the 1st respondent drove the Mini bus bearing Reg.No.KL

https://www.mhc.tn.gov.in/judis

WEB COPY

13 Z 1333 from Ooty to Gudalur Opposite direction, came in the wrong side in a rash and negligent manner and dashed against the claimant's Scooty and they fell down on the road. Due to the accident, the claimant sustained multiple injuries all over the body and the deceased Krishnamoorthy died on the spot.

3. According to the claimant in MCOP.No.7 of 2023, he studied ITI (Mechanic) and at the time of accident, he was working as a Plumber at Solur Panchayat Office, earning a monthly income of Rs.12,000/- from cultivating the leased property and earned a sum of Rs.1,00,000/- per year and he was also doing part time work, earning a sum of Rs.10,000/- per month.

4. According to the claimants in MCOP.No.8 of 2023, the deceased Krishnamoorthy studied ITI (Fitter) and at the time of accident, he was working as Fitter at Solur Pachayat, earning a monthly income of Rs.12,000/- and from cultivating the leased property earned a sum of Rs.1,00,000/- per year and he was also doing part time work earning a sum of Rs.10,000/- per month. At the time of accident, the deceased was aged about 34 years.

5. Before the Tribunal, on behalf of the claimants, the 1st claimant in MCOP.No.8 of 2023 was examined as PW1, the claimant in MCOP.No.7 of 2023 was examined as PW2, one Nandhakumar was examined as PW.3 and one Arshad was examined as PW4 and Exs.P1 to P35 were marked. On the side of

https://www.mhc.tn.gov.in/judis

WEB COPY

the respondents, neither any witness was examined nor any document was marked. Exs.X1 to X5 were marked on the witness side.

6. Upon appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to the rash and negligent driving of the driver of the offending vehicle. With regard to the quantum of compensation in MCOP.No.7 of 2023, the claimant appeared before the Medical Board, where the Medical Board had given Nil disability report stating that the claimant has no disability. The Tribunal, considering the nature of injuries sustained by the claimant and the number of days he has undergone treatment as in-patient, awarded compensation under various heads as tabulated hereunder:

Heads of Compensation	**Amount awarded by the Tribunal (Rs.)**
Loss of Income	23,000
Attender Charges	10,000
Transportation Charges	10,000
Damages to Cloths and Articles	5,000
Pain and Suffering	50,000
Loss of Amenities	30,000
Extra Nourishment	10,000
Medical Expenses	3,07,046
TOTAL	**4,45,047**

Being aggrieved over the same, the claimant has preferred CMA.No.3591 of 2026, seeking enhancement of compensation.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. With regard to the quantum of compensation in MCOP.No.8 of 2023, the Tribunal fixed the notional income of the deceased at Rs.11,050/- per month, added 40% towards Future Prospects, applied the Multiplier "16" considering the age of the deceased and deducted 1/3rd towards personal and living expenses of the deceased based on the number of the dependents and awarded a sum of Rs.19,80,288/- towards Loss of Dependency. The Tribunal has also awarded compensation under various other heads as hereunder:

Heads of Compensation	**Amount awarded by the Tribunal (Rs.)**
Loss of Dependency [11,050 + 40%] x 12 x 16 x 2/3	19,80,288
Loss of Spousal Consortium	48,000
Loss of Parental Consortium	48,000
Loss of Filial Consortium (48,000 x 2)	96,000
Loss of Estate	18,000
Funeral Expenses	18,000
Transportation Charges	5,000
Damages to Clothes and Articles	10,000
TOTAL	**22,23,288**

Being aggrieved over the same, the dependents of the deceased filed CMA.No.3593 of 2026, seeking enhancement of compensation.

8. The learned counsel appearing for the appellant / claimant in CMA.No.3593 of 2026 would submit that the Tribunal erred in fixing the monthly income of the deceased only at Rs.11,050/- for the accident took place in the year 2023 and ought to have fixed higher income considering the fluctuations in price index. As per Ex.P18- Wireman Certificate and Ex.P20 –

https://www.mhc.tn.gov.in/judis

WEB COPY

Account Statement, which clearly proves that the deceased was working as Wireman, ought to have fixed higher monthly income and awarded higher amount for loss of pecuniary benefits. The Tribunal failed to consider the fact that the deceased was the sole breadwinner of the family consisting of 5 persons, who are aged parents and minor children and erred in fixing Rs.11,050/- without considering the age of the deceased at the time of accident and the cost of living.

9. The learned counsel appearing for the appellant in CMA.No.3591 of 2026 would submit that the Tribunal has failed to consider Ex.P25 – Discharge Summary, wherein it has been stated that the appellant / claimant had sustained Fracture of Right Parasymphysis and left Sub Condyle of Mandible, Right Frontal Lobar Tiny Contusion, Right High Parietal Lobar Tiny Contusion, Left Sphenotemporal Fracture, Anterior Skull Base Fracture, Right Frontal Structure and Left Temporo Occipital Lobar Contusion and he had taken treatment as inpatient for 11 days, surgery was done and screws planted. The compensation awarded by the Tribunal under Attender Charges, Loss of Amenities, Pain and Sufferings are very meagre and the same has to be enhanced. The Tribunal having found that the appellant sustained fractures and underwent surgeries and implant were planted, erred in fixing Rs.11,500/- as notional income of the injured and erred in awarding compensation only for 2 months and the same has to be enhanced.

https://www.mhc.tn.gov.in/judis

WEB COPY

10. *Per contra*, learned counsel appearing for the 3rd respondent / Insurance Company would submit that the claimants have chosen to examine PW4, who is the employer of the deceased and PW4 categorically deposed that the claimant in MCOP.No.7 of 2023 was working as temporary plumber in Neelamalai Men Self Help Group and earned Rs.425 /- per day and he will have work for a maximum of 26 days and arrived at a sum of Rs.11,050/-, as the monthly income of the claimant, which appears to have just and reasonable and does not require any interference. Mere filing of bank statement is not sufficient to fix the monthly income of the claimants. The claimants appeared before the Medical Board, which assessed the disability and issued NIL report and upon considering the nature of injuries sustained by the injured claimant, the compensation awarded towards Loss of Income, Pain and Suffering, Transportation Charges, Attender Charges appears to be reasonable and proper and does not require any interference. In the absence of proof of monthly income, the Tribunal has relied upon the evidence of PW4, who has categorically deposed that the deceased Krishnamoorthy was working as temporary waterman in Neelamalai Men Self Help Group and earned Rs.425/- per day and he will have work for a maximum of 26 days and arrived at a sum of Rs.11,050/-, as the monthly income of the claimant, which appears to be just and reasonable and does not require any interference. Though the claimants have stated that the deceased was earning more than Rs.20,000/- per month by doing agriculture and fitter work and in the absence of proof of monthly

https://www.mhc.tn.gov.in/judis

WEB COPY

income, the Tribunal considering the evidence of PW4, has rightly fixed the monthly income of the deceased at Rs.11,050/- per month, which appears to be reasonable and proper and does not require any interference.

11. This Court considered the submissions made on either side and perused the entire materials available on record.

12. There is no dispute with regard to the manner of accident and negligence fixed on the driver of the offending vehicle.

13. With regard to the quantum of compensation awarded to the injured claimant in MCOP.No.7 of 2023, according to the claimant, he was working as Plumber at Solur Panchayat Office and gets agricultural income in his own land and in lease land and was earning a sum of Rs.12,000/- per month as Plumber and Rs.10,000/- per month through part time plumber and earns Rs.1,00,000/- through agriculture at the time of accident. In order to prove the monthly income, the claimant has relied upon the evidence of PW4, who is an employer of the injured claimant. PW4 has categorically deposed that the injured claimant was working as temporary plumber in Neelamalai Men Self Help Group and earned Rs.425/- per day and he will have work for the maximum of 26 days per month. In order to substantiate the monthly income of the injured claimant, the claimant has relied upon Ex.P31 – Bank Account Statement. On

https://www.mhc.tn.gov.in/judis

WEB COPY

perusal of Ex.P31 – it reveals that on 09.06.2022, a sum of Rs.11,050/- was credited to his account and subsequently Rs.30,000/- on 14.06.2022, Rs.3,000/- on 15.06.2022, Rs.10,000/- on 25.06.2022, Rs.11,050/- on 06.07.2022, Rs.13,000/- on 13.07.2022, Rs.3,000/- on 15.07.2022, Rs.12,000 on 20.07.2022 and a sum of Rs.3,000/- was credited on 20.07.2022 to the said bank account. A further perusal of Ex.P31 reveals that on various dates within the month of June 2022, on four occasions amounts were credited and similarly during July 2022, on five occasions amounts were credited to the said bank account. In order to prove the amount credited in Ex.P31- Bank Statement, the appellant / injured claimant has not chosen to examine any independent witness to substantiate that he had several source of income. In the absence of relevant proof for the source of income, the Tribunal has rightly fixed the monthly income of the deceased at Rs.11,050/- per month, which appears to be reasonable and proper and does not require any interference.

14. A perusal of Ex.P25 – Discharge Summary revealed that the appellant / claimant in MCOP.No.7 of 2023, sustained Fracture of Right Parasymphysis and left Sub Condyle of Mandible, Right Frontal Lobar Tiny Contusion, Right High Parietal Lobar Tiny Contusion, Left Sphenotemporal Fracture, Anterior Skull Base Fracture, Right Frontal Structure and Left Temporo Occipital Lobar Contusion and he had taken treatment as inpatient for 11 days, surgery was done and screws planted and even at the time of discharge, he was advised to take

https://www.mhc.tn.gov.in/judis

WEB COPY

medicine and follow up. A perusal of Ex.P25 – Discharge Summary further reveals that the appellant sustained head injuries and several fractures on head, mandible fracture and surgery done. Considering the nature of injuries sustained by the claimant, the Tribunal awarding compensation for Loss of Income for 2 months appears to be meagre and this Court is inclined to award compensation under the head Loss of Income at least for 6 months. Accordingly, the compensation awarded under Loss of Income, now modified by this Court, comes to Rs.66,300/- [Rs.11,050 x 6].

15. The compensation awarded by the Tribunal under Extra Nourishment for a sum of Rs.10,000/- appears to be meagre and this Court is inclined to enhance the same to Rs.50,000/-. Similarly, the Transportation Charges awarded by the Tribunal for a sum of Rs.10,000/- appears to be meagre and the same is enhanced to Rs.20,000/-. The compensation awarded by the Tribunal under the heads Pain and Sufferings, Loss of Amenities, Attender Charges and Damages to clothes appears to be just and reasonable and does not require any interference. Thus, the compensation awarded by the Tribunal in MCOP.No.7 of 2023, as modified by this Court is tabulated hereunder:

https://www.mhc.tn.gov.in/judis

WEB COPY

Heads of Compensation	Amount awarded by this Court (Rs.)
Loss of Income [Rs.11,050 x 6]	66,300
Attender Charges	10,000
Transportation Charges	20,000
Damages to Cloths and Articles	5,000
Pain and Suffering	50,000
Loss of Amenities	30,000
Extra Nourishment	50,000
Medical Expenses	3,07,046
TOTAL **Rounded Off**	**5,38,346** **5,38,400**

The above compensation amount now determined by this Court shall carry interest @ 7.5. p.a. from the date of claim petition till the date of deposit.

16. With regard to the quantum of compensation arrived by the Tribunal for the fatal case in MCOP.No.8/2023 is concerned, as per the evidence of PW4, the deceased Krishnamoorthy was employed as Waterman in Neelamalai Men Self Help Group, earning Rs.425/- per day and he will have work for the maximum of 26 days and considering the evidence of PW4, the Tribunal has arrived at a sum of Rs.11,050/- as per the monthly income of the deceased. It is relevant to note that at the time of accident, the deceased was aged about 34 years and the accident took place on 24.01.2023 and the fixation of Rs.11,050/- as the income of the deceased appears to be meagre. Therefore, considering the cost of living at that time, the age of the deceased at the time of accident, nature of avocation and number of dependents, this Court is of the view that fixing a sum of Rs.17,000/- per month as the notional monthly income of the deceased

https://www.mhc.tn.gov.in/judis

WEB COPY

would be just and reasonable. By applying the ratio laid down by the Hon'ble Apex Court in ***National Insurance Company v. Pranay Sethi and Others [(20170 16 SCC 680],*** 40% is added towards future prospects by considering the age of the deceased and since the deceased was a married man, having four dependents, 1/3rd deducted towards personal and living expenses of the deceased and by applying the Multiplier "16", the compensation under Loss of Dependency would comes to [(17,000 +40%) x 12 x 16 x 2/3] = Rs.30,46,400/-. The compensation awarded by the Tribunal under other heads appears to be proper and reasonable and does not require any interference. Thus, the compensation awarded by the Tribunal with regard to MCOP.No.8 of 2023, modified by this Court, is tabulated hereunder:

Heads of Compensation	**Amount awarded by this Court (Rs.)**
Loss of Dependency [(17,000 + 40%) x 12 x 16 x 2/3 =	30,46,400
Loss of Spousal Consortium	48,000
Loss of Parental Consortium	48,000
Loss of Filial Consortium	96,000
Loss of Estate	18,000
Funeral Expenses	18,000
Transportation Charges	5,000
Damages to Cloths and Articles	10,000
TOTAL	**32,89,400**

The above compensation amount now determined by this Court shall carry interest @ 7.5. p.a. from the date of claim petition till the date of deposit.

https://www.mhc.tn.gov.in/judis

WEB COPY

17. In the result, both the ***Civil Miscellaneous Appeals are partly allowed*** and the common award dated 28.03.2025 passed in MCOP.Nos.7 and 8 of 2023 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge at Udhagamandalam is modified to the effect that the claimant in CMA.No.3591 of 2026 is entitled to an enhanced compensation of Rs.5,38,400/- and the claimants in CMA.No.3593 of 2026 is entitled to an enhanced compensation of Rs.32,89,400/-, together with interest @ 7.5. p.a. from the date of filing the cllaim petition till the date of deposit. The 3rd respondent / Insurance Company is directed to deposit the compensation amounts, now determined by this Court, less amount already deposited, within a period of six weeks from the date of receipt of a copy of the judgment. On such deposit, the respective claimants are entitled to withdraw the same, less amount already withdrawn, on filing appropriate application before the Tribunal and on payment of Court fee for the enhanced compensation. The claimants are not entitled for any interest on the enhanced compensation for the default period. The manner, mode and disbursement of compensation shall be as per the order of the Tribunal. No costs.

10-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Jvm

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Motor Accidents Claims Tribunal,
   Subordinate Judge, Udhagamandalam.

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

https://www.mhc.tn.gov.in/judis

WEB COPY

M.JOTHIRAMAN J.

Jvm

CMA No. 3591 of 2026
AND
CMA NO. 3593 OF 2026

10-11-2026

https://www.mhc.tn.gov.in/judis