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CMA Nos.1782 & 1951 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA Nos.1782 & 1951 of 2024

CMA No.1782 of 2024 :

1. Selvi

2. Mani

..Appellant(s)

Vs

1. M/s. Lotus Integrated Logistics
Pvt Ltd.

2. The Manager,
Reliance General Insurance Company Limited,
Reliance House, 4 th Floor, No.6,
Haddows road,
Nungambakkam,
Chennai 6.

..Respondent(s)

CMA No.1951 of 2024 :

The Manager,
Reliance General Insurance Company Limited,
Reliance House, 4 th Floor, No.6,
Haddows road,
Nungambakkam,
Chennai 6.

..Appellant(s)



Vs

1. Selvi

2. Mani

3. M/s.Lotus Integrated Logistics Private Limited

..Respondent(s)

Both the appeals are filed against the Judgement and Decree, dated 25.09.2023, made in MCOP No.3406 of 2021 on the file of Motor Accident Claims Tribunal - cum- II Court of Small Causes, Chennai

For Appellant(s) in Mr.K.Varadha Kamaraj
C.M.A.No.:1782/2024
& Respondents 1 & 2 in
C.M.A.No.1951/2024 :

For Respondent(s) No.2 Mrs.R.Sree Vidhya
in C.M.A.No.1782/2024
& Appellant in
C.M.A.No.1951/2024 :

For Respondent 1 in C.M.A.No.1782/2024 &
Respondent 3 in C.M.A.No.1951/2024 : No appearance

Judgment

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

Both these Civil Miscellaneous Appeals arise out of the same order and decretal order, dated 25.09.2023, passed in M.C.O.P.No.3406 of 2021 on the file of Motor Accident Claims Tribunal-cum- II Court of Small Causes, Chennai.



2. While C.M.A.No.1782 of 2024 is filed by the claimants, seeking enhancement of compensation, C.M.A.No.1951 of 2024 is filed by the insurer, questioning the quantum of compensation.

3. The case of the petitioners in the Claim Petition was that on 29.07.2021, at about 01.00 hours, while the deceased Venkatesan was driving Dost Van, bearing registration No.TN-13-1690 on Puzhal – Tambaram Bypass Road, Chennai, a container Lorry, bearing registration No.TN-04-AR-9533, stopped on the road without indicating any signal, indicator or parking light, due to which, the Dost Van, driven by the deceased hit the rear side of the container Lorry, as a result whereof the deceased sustained multiple fractures all over the body. It was also stated that the deceased was admitted to Kilpauk Government Medical College Hospital, Chennai, but he died on the same day in the hospital. It was contended that the driver of the container Lorry alone was responsible for the said accident. It was also contended that both the owner and the insurer were liable to pay compensation to the petitioners with interest and costs. Hence, they filed the Claim Petition.

4. Respondents filed a counter affidavit, denying the averments made in the petition. It was stated that the deceased drove the vehicle Dost Van without following the traffic rules and dashed the container lorry on rear side, due to which the accident occurred. It was also stated that the accident occurred due to rash and negligent driving of the deceased and hence the respondents were not



liable to pay any compensation. Accordingly, they prayed for dismissal of the petition.

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5. Based on the above pleadings, the trial Court framed necessary issues and proceeded with trial.

6. During the course of trial, the first petitioner examined herself as P.W.1 and one eye witness was examined as P.W.2. Exs.P-1 to P-15 were marked on behalf of the petitioners. On the side of respondents, no oral evidence was adduced and no exhibits were also marked.

7. Considering the evidence, both oral and documentary, the Tribunal allowed the claim of the petitioners in part, awarding a sum of Rs.22,19,000/- towards compensation, as against the claim of Rs.48,00,000/-.

8. Questioning the quantum of the award, both the claimants and the insurer filed these appeals, as stated above.

9. Learned counsel for the claimants would contend that the deceased was aged 23 years at the time of accident, but the Tribunal adopted the multiplier of 17, instead of 18. He would also contend that the Tribunal erred in taking the notional income of the deceased at Rs.15,000/- instead of Rs.20,000/-, as the deceased was earning Rs.24,000/- per month at the time of accident.

10. On the other hand, learned counsel for the insurer would contend that the container Lorry was parked at the extreme left side of the road and, without any contributory negligence on the part of the deceased, there was no possibility for the occurrence of the accident. Therefore, she would contend that the



accident occurred due to the negligence of the deceased and hence contributory negligence be fastened on the deceased.

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11. We have heard the learned counsel for the parties and also perused the material available on record.

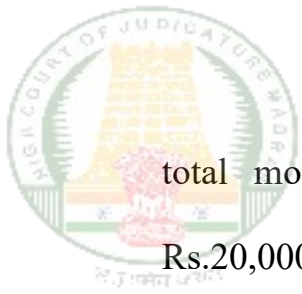
12. Concedingly, there is no dispute as to the occurrence of the accident. The liability is also not disputed.

13. Now, the only point that arises for consideration in these appeals is, whether the compensation awarded by the Tribunal is just or not ?

14. While the claimants contend that the compensation awarded by the Tribunal was on lower side, according to the insurer, it was higher.

15. To examine the point, if we look at the award impugned, the Tribunal awarded a sum of Rs.21,42,000/- towards “Loss of Income/Dependency”. To arrive at this figure, the Tribunal took into consideration the notional monthly income of the deceased at Rs.15,000/-. As the deceased was aged below 40 years, the Tribunal, following the law laid down by the Supreme Court in *National Insurance Company Limited v. Pranay Sethi and Others*, 2017 (2) TANMAC 609 (SC), added a further amount under the head “Future Prospects” at 40% by Rs.6,000/-. By so doing, the Tribunal fixed the income of the deceased at Rs.21,600/-, instead of Rs.21,000/-.

16. In this context, we opine that since the accident occurred of late in the year 2021, the notional monthly income of the deceased could be fixed higher at Rs.20,000/-. If we add 40% towards future prospects to the said amount, the



total monthly income of the deceased would come to Rs.28,000/- i.e., Rs.20,000/- + Rs.8,000/-. Since the deceased died as a bachelor, leaving behind his parents, the standard deduction would be 50% towards personal expenses. Hence, the monthly income of the deceased would arrive at Rs.14,000/- i.e., Rs.28,000/- divided by 2.

17. As could be seen from Ex.P-5, Driving Licence, the deceased was aged 23 years at the time of accident. Therefore, as per the ratio laid down by the Supreme Court in *Sarla Varma v. Delhi Transport Corporation*, 2009 (2) TANMAC 1 (SC), the appropriate multiplier is 18, instead of 17 ordered by the Tribunal. The Tribunal, even after noting that the deceased was aged 24 years at the time of accident, erred in taking into account the proper multiplier and adopted 17, instead of 18.

18. Thus, “Loss of Income/Dependency” for the family of the deceased would come to Rs.14,000/- x 12 x 18 = 30,24,000/-, instead of Rs.21,42,000/- ordered by the Tribunal. That apart, the Tribunal awarded a sum of Rs.44,000/- under the head “Loss of Consortium” to one claimant. Since, in this case, the claimants are two in number, we multiply the said amount by two, which comes to Rs.44,000 x 2 = Rs.88,000/-. The amount awarded by the Tribunal under the head “Loss of Estate” at Rs.16,500/- is confirmed, so also the amount under the head “Funeral Expenses” at Rs.16,500/-.

19. As a result, the total award amount comes to Rs.30,24,000/- + Rs.88,000/- + Rs.16,500 + Rs.16,500/- = Rs.31,45,000/-.



20. However, on going through the Rough Sketch, Ex.P-13, and the oral evidence of the parties, it is seen that the container Lorry was parked at the corner of the road on left side and the accident took place at midnight at 01.30 A.M., which itself showed that, in the midnight, the container Lorry was parked negligently by its driver. But, taking note of the fact that the container Lorry was parked at the extreme left side of the road, we opine that 100% liability cannot be fastened on the insurer. Accordingly, we deduct 10% of the award amount towards “Contributory Negligence” of the deceased, which is Rs.3,14,500/-.

21. Now, the award amount, taken as a whole, would be Rs.31,45,000/- minus Rs.3,14,500/- = Rs.28,30,500/-.

22. The Tribunal awarded the entire amount to be payable to the first petitioner – mother alone, and rejected any apportionment to the second petitioner – father, which is not disputed before this Court. Hence, we award the entire amount to the first petitioner – mother, by name Selvi.

23. Further, from the appeal filed by the claimants, it is seen that the value of the appeal is restricted to Rs.5,00,000/-. However, by way of this order, the award amount is enhanced by Rs.6,11,500/-.

24. In this context, we say, that a Court or Tribunal can award more compensation than the restricted amount claimed by a party, particularly in Motor Accident Claims Tribunal (MACT) cases, based on the principle of "just compensation". The Supreme Court has ruled that if evidence supports a higher



amount, Tribunals must award it, even if the claimants restricted their claim initially, sometimes due to financial constraints on court fees. In the instant case, the evidence on record establishes that the claimant is entitled to a higher sum. Therefore, this Court can award that amount, though it is higher than the restricted claim. It is also to be stated that if the award exceeds the claimed amount, the Court has to require the claimant to pay the additional court fee on the higher amount. Accordingly, we direct the claimant-appellant to pay appropriate Court Fee for the enhanced amount, if the same is not paid, which shall also be ensured by the Registry of this Court.

25. C.M.A.No.1782 of 2024 filed by the claimants is allowed and C.M.A.No.1951 of 2024 filed by the insurer is dismissed. No costs. Consequently, the connected C.M.P.No.15172 of 2024 is closed.

(C.V.K.,J.) (K.R.S.,J.)
22-04-2026

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

DIXIT

To

Motor Accident Claims Tribunal-cum
II Court of Small Causes,
Chennai.



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**C.V.KARTHIKEYAN J.
AND
K.RAJASEKAR J.**

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