IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMA NOS.1886 AND 2440 OF 2023
AND
C.M.P. NO.22914 OF 2023 IN CMA NO.2440 OF 2023

CMA NO.1886 OF 2023

1.R.Vijaya
2.A.R.Ashwin Balaji
3.Maniyammal

Appellants 1 to 3 are jointly residing at
No.190, Puthukinaru Thottam,
Allapalayam Post, Annur Via,
Coimbatore – 641 563. ... Appellants / Claimants

Versus

1.A.Subramanain
No.4/492, Jeevnandhapuram,
Annur Road,
Mettupalayam – 641 301.

2.M/s.Reliance General Insurance Co. Ltd.,
2nd Floor, Shri Abirami Towers,
43B, Cowly Brown Road,
R.S.Puram, Coimbatore – 641 002. ... Respondents / Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to allow the Civil Miscellaneous Appeal and modify the Award dated March 17, 2023 passed in M.C.O.P. No.1552 of 2019 on the file of the Motor Accidents Claims Tribunal / IV Additional District Court, Coimbatore, by enhancing the compensation awarded.

For Appellants	:	Mr.B.Vijay for Mr.A.R.Balaji
For Respondent-1	:	No appearance
For Respondent-2	:	Mrs.C.Bhuvanasundari

CMA NO.2440 OF 2023

M/s.Reliance General Insurance Co. Ltd., 2nd Floor, Shri Abirami Towers, 43 B, Cowly Brown Road, R.S.Puram, Coimbatore – 641 002.	...	Appellant / 2nd Respondent

Versus

1.R.Vijaya	...	1st Respondent 1st Petitioner
2.A.R.Ashwin Balaji	...	2nd Respondent 2nd Petitioner
3.Maniyammal	...	3rd Respondent / 3rd Petitioner

Respondents 1 to 3 are jointly residing at
No.190, Puthukinaru Thottam,
Allapalayam Post, Annur Via,
Coimbatore – 641 563.

4.A.Subramanian
Door No.4/592, Jeevanandhapuram,
Annur Road,
Mettupalayam – 641 301. ... 4th Respondent / 1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the Award dated March 17, 2023 passed in M.C.O.P. No.1552 of 2019 on the file of the Motor Accidents Claims Tribunal / IV Additional District Court, Coimbatore by allowing this Civil Miscellaneous Appeal.

For Appellant	:	Mrs.C.Bhuvanasundari
For Respondents - 1 to 3	:	Mr.B.Vijay for Mr.A.R.Balaji
For Respondent - 4	:	No appearance

* * * * *

COMMON JUDGMENT

(Judgment of the Court was made by R.Sakthivel, J.)

Feeling aggrieved by the Award dated March 17, 2023 passed by 'the Motor Accidents Claims Tribunal / IV Additional District Court, Coimbatore' ['Tribunal' for short] in M.C.O.P. No.1552 of 2019, the petitioners therein have preferred C.M.A. No.1886 of 2023 seeking enhancement of compensation, while the second respondent therein namely M/s. Reliance General Insurance Company Limited, has preferred C.M.A. No.2440 of 2023 praying to set aside the Award.

2. As these Civil Miscellaneous Appeals arise out of one and the same Award, they will be disposed of by this Common Judgment.

3. For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Petition.

PETITIONERS' CASE

4. K.Ravichandran, who is the husband, father and son of petitioners nos.1 to 3 respectively, passed away in a motor vehicle accident that occurred on June 13, 2019 at about 15:45 hours.

4.1. On the fateful day, the deceased - K.Ravichandran was riding his motorcycle *viz.*, Hero Honda Passion bearing Registration No.TN-37-AC-6985 proceeding from east to west along Annur Bazaar Road in a slow and cautious manner. While nearing Jaya Coffee Shop, the first respondent, who is the owner-cum-driver of the offending Lorry bearing Registration No.TN-27-D-2526, drove the said Lorry in a rash and negligent in the same direction as the deceased and dashed against the rear end of the deceased's motorcycle, thereby causing the accident.

4.2. As a result of the impact, the deceased fell onto the road and the rear left wheel of the Lorry ran over all over his body including his head, causing fatal injuries. Immediately after the accident, the deceased was rushed to Annur Government Hospital in a private ambulance, where he was declared 'brought dead'. Thereafter, post-mortem examination was conducted at the Coimbatore Medical College Hospital, Coimbatore.

4.3. In connection with the said accident, a First Information Report (F.I.R.) in Crime No.270 of 2019 was registered on the file of the Annur Police Station for the offences punishable under Sections 279 and 304-A of the Indian Penal Code, 1860, against the first respondent.

4.4. At the time of the accident, the deceased – K.Ravichandran was aged about 53 years and was employed with Lakshmi Machine Works, Coimbatore, earning a monthly income of Rs.50,000/-. Apart from his employment, the deceased was also owning and cultivating 7 Acres of agricultural land, from which he was earning an additional monthly income of approximately Rs.20,000/-.

4.5. It is the specific case of the petitioners that the accident occurred solely due to the rash and negligent driving of the first respondent. Hence, respondent nos.1 and 2, being the owner-cum-driver and the insurer of the offending Lorry respectively, are jointly and severally liable to pay compensation to the petitioners. Accordingly, the petitioners filed the claim petition seeking compensation to the tune of Rs.1,00,00,000/- (Rupees One Crore only).

FIRST RESPONDENT'S CASE

5. First respondent remained absent and was set *ex-parte* by the Tribunal.

SECOND RESPONDENT'S CASE

6. The second respondent filed a counter statement denying the petition averments. The second respondent specifically disputed the manner of the accident and the allegation of negligence on the part of the first respondent. According to the second respondent, it was the deceased who rode the motorcycle in a rash and negligent manner, without adhering to traffic rules and without wearing protective headgear, and thereby invited the accident. Thus, the deceased himself had contributed to the occurrence of the accident. On these grounds, the second respondent prayed for dismissal of the claim petition.

TRIBUNAL

7. At trial, on the side of the petitioners, the first petitioner - Vijaya, the wife of the deceased – K.Ravichandran was examined as P.W.1; Natraj, who is an ocular witness to accident was examined as P.W.2; Balagangathara Thilagar, Manager H.R., Lakshmi Machine Works, Coimbatore was examined as P.W.3; and Ex.P.1 to Ex-P.15 were marked. On the side of the respondents, first respondent viz., Subramanian was examined as R.W.1 and Ex-R.1 – Copy of the Insurance Certificate was marked. Further, Ex-X.1 (Copy of Aadhar Card of P.W.2 – Nataraj); Ex-X.2 (Copy of the Identity Card of P.W.3 issued by Lakshmi Machine Works Limited); Ex-X.3 (Salary details of the deceased – K.Ravichandran) and Ex-X.4 (Authorization letter of P.W.3 to give evidence) were marked.

8. The Tribunal, upon careful consideration of the oral and documentary evidence available on record, found that the accident occurred due to the rash and negligent driving of the first respondent. The Tribunal further found that the deceased was employed with Lakshmi Machine Works, Coimbatore and was also engaged in agricultural activities. The Tribunal also held that the alleged offending Lorry belonging to the first respondent and involved in the accident was duly insured with the second respondent–Insurance Company at the material point of time. Consequently, the Tribunal held that the second respondent is liable to pay compensation to the petitioners. Accordingly the Tribunal awarded a sum of Rs.22,56,556/- (Rupees Twenty-Two Lakhs Fifty-Six

Thousand Five Hundred and Fifty-Six only) as compensation, as tabulated hereunder:

S.No.	***Head***	***Amount***
1	Loss of dependency	Rs.21,06,556/-
2	Funeral expenses	Rs.15,000/-
3	Loss of estate	Rs.15,000/-
4	Loss of consortium	Rs.1,20,000/-
Total		***Rs.22,56,556/-***

9. Dissatisfied with the quantum of compensation awarded, the petitioners have preferred C.M.A. No.1886 of 2023 and challenging the Award, the second respondent / Insurance Company has preferred C.M.A. No.2440 of 2023.

ARGUMENTS

10. Heard Mr.B.Vijay assisted by Mr.A.R.Balaji, learned Counsel appearing for the appellants in C.M.A.No.1886 of 2023 / respondents 1 to 3 in C.M.A.No.2440 of 2023 / petitioners, and Ms.C.Bhuvanasundari, learned Counsel appearing for the appellant in C.M.A.No.2440 of 2023 / second respondent in C.M.A.No.1886 of 2023 / second respondent - Insurance Company.

11. Mr.B.Vijay, learned Counsel would submit that the accident occurred due to the rash and negligent driving of the first respondent. He would further submit that a criminal case has been registered against the first respondent and the same is pending at trial stage. Further, the petitioners examined P.W.2, an eyewitness to the occurrence, who clearly deposed that while the deceased was proceeding from east to west on the Annur–Coimbatore Road, the driver of the first respondent's Lorry drove the vehicle in a rash and negligent manner and attempted to overtake the deceased, as a result of which the accident occurred. He would contend that Ex-P.1 - F.I.R. registered against the first respondent and Ex-P.2 - Final Report filed after investigation against him, coupled with the reliable evidence of P.W.2, would establish that the accident occurred solely due to the rash and negligent driving of the first respondent.

11.1. The learned Counsel would further submit that the first respondent was examined as R.W.1 and had admitted the occurrence of the accident. However, R.W.1 deposed that while he was driving the Lorry from east to west in Annur Town, a stray dog suddenly crossed the road, compelling him to apply brakes. At that point of time, the deceased, who was riding a motorcycle, attempted to overtake the Lorry from its left side, ran over the stray dog, fell down and came under the rear wheel of the Lorry. This version, according to the learned counsel is contrary to the contents of Ex-P.2 - Final Report and is only a defense put forth by the first respondent, which cannot be adjudicated in the claim proceedings. He would also submit that no independent witness was examined on the side of the first respondent to substantiate his defence. Therefore, he would contend that there is no reason to interfere with the finding of the Tribunal with regard to negligence.

11.2. As far as the quantum of compensation is concerned, the learned Counsel would submit that the Tribunal failed to properly appreciate Ex-P.15 - Monthly Salary Bills and Ex-P.13 - TDS Certificate. He would further submit that while computing the compensation, all allowances forming part of the regular income of the deceased, except travelling allowance, diet money, if any and other similar reimbursements, ought to have been taken into account. However, the Tribunal failed to include such allowances, which, according to the learned Counsel is an erroneous approach.

11.3. It is the further contention of the learned Counsel that the Tribunal adopted the split multiplier method, which is contrary to the settled principles of law. He would also submit that the deceased, apart from his salaried employment was engaged in agricultural activities. Owing to the sudden demise of the deceased, the agricultural income has been considerably reduced. This aspect, however, was not properly considered by the Tribunal while determining the compensation. Accordingly, the learned Counsel would pray to allow the appeal in C.M.A. No.1886 of 2023, dismiss that in C.M.A. No.2440 of 2023 and enhance the compensation awarded by the Tribunal.

12. *Per contra*, Mrs.C.Bhuvanasundari, learned Counsel would submit that the Tribunal failed to appreciate the evidence on record in proper manner. She would contend that the accident occurred within Annur Town and therefore, the first respondent could not have driven the Lorry in a rash or negligent manner.

12.1. It is her further submission that the accident occurred in the manner deposed by the first respondent, who was examined as R.W.1. According to her, the deceased attempted to overtake the Lorry from its left side, which resulted in the accident and hence, the deceased alone is responsible for the occurrence.

12.2. Alternatively, the learned Counsel would submit that in the event of this Court coming to the conclusion that the first respondent had also contributed to the accident, this Court may proportionately fix the contributory negligence on the part of the deceased.

12.3. As regards the quantum of compensation, the learned Counsel would submit that the Tribunal erred in fixing a sum of Rs.48,000/- per annum towards agricultural income, that too when there is no evidence on record to establish that the agricultural income had substantially diminished after the demise of the deceased – K.Ravichandran. In the absence of any supporting evidence, the award of the Tribunal was not justified in awarding a sum of Rs.48,000/- per annum towards loss of income from agricultural operations. She would further submit that the Tribunal failed to deduct income tax in a proper manner while computing the compensation. Accordingly, the learned Counsel would pray to allow C.M.A. No.2440 of 2023, dismiss C.M.A. No.1886 of 2023 and set aside the Award passed by the Tribunal.

DISCUSSION

13. This Court has considered both sides' submissions and perused the evidence available on record.

14. The points that arise for consideration in these Civil Miscellaneous Appeals are as follows:

(i) Whether the accident occurred due to the rash and negligent driving of the first respondent?

(ii) Whether the Tribunal is right in arriving at the quantum of compensation?

(iii) Whether the Award is to be interfered with by this Court?

POINT NO.(i)

15. Case of the petitioners is that the first respondent, who is the owner-cum-driver of the (alleged) offending Lorry, travelling behind the deceased's motorcycle in the same direction, drove the said Lorry in a rash and negligent manner and rear ended the deceased's motorcycle leading to the accident. While the factum of accident is admitted by the second respondent, the manner of accident is disputed by stating that the accident occurred solely due to the rash and negligence of the deceased himself. According to the second respondent, when the first respondent was driving his Lorry ahead of the deceased and not behind as stated in the claim petition, a stray dog came in the way forcing him to apply the brakes and at that time, the deceased riding rashly and negligently overtook the first respondent's Lorry from its left side, ran over the stray dog and fell into the rear left wheel of the first respondent's Lorry. As it could be seen from the above, the question is only with respect to the manner of accident and not the factum of accident.

16. In this case, Ex-P.1 - F.I.R. was registered against the first respondent, who is the owner-cum-driver of the alleged offending Lorry. After investigation, Ex-P.2 - Final Report was laid against the first respondent before the learned Judicial Magistrate, Mettupalayam, who took cognizance of the case and issued summons to the accused - first respondent. The criminal case is now pending at trial stage. Further, an ocular witness to the accident was examined as P.W.2 on the side of the petitioners. P.W.2 has deposed that while the deceased was riding his motorcycle from east to west, the Lorry belonging to the first respondent, proceeding in the same direction, was driven in a rash and negligent manner and overtook the deceased, thereby causing the accident. The evidence of P.W.2 coupled with the documentary evidence in Ex-P.1- F.I.R. and Ex-P.2 - Final Report, both laid against the first respondent, would *prima facie* prove the case of the petitioners *qua* manner of accident and negligence.

17. Though the first respondent in his evidence as R.W.1 set up a different version involving a stray dog and blamed the deceased for riding and overtaking his ongoing Lorry in a rash and negligence manner, it is contrary to not just Ex-P.1 - F.I.R. but also Ex-P.2 - Final Report. Such a defence raised by R.W.1 can be adjudicated only by the Criminal Court. As far as the proceedings under Motor Vehicles Act, 1988 are concerned, proof on the basis of preponderance of probability is sufficient.

18. In the light of the criminal case registered against the first respondent and the cogent and credible evidence of P.W.2, this Court comes to the conclusion that the accident occurred due to the rash and negligent driving of the first respondent. The Tribunal has also rightly arrived at the said finding. Therefore, there is no warrant for this Court to interfere with the finding of the Tribunal on the aspect of negligence. **Point No.(i) is answered accordingly.**

POINT NOS.(ii) AND (iii)

19. As regards the quantum of compensation, at the time of the accident, the deceased – K.Ravichandran was aged 53 years. There is no dispute with regard to the age of the deceased at the time of the accident and the same is corroborated by the Family Card annexed in Ex-P.11.

20. P.W.3, the Human Resource Manager of Lakshmi Machine Works Limited, was examined and Ex-X.3 - Salary Certificate of the deceased was marked through him. At the time of accident, the deceased was employed with Lakshmi Machine Works Limited, Coimbatore as a Machine Operator. He had joined the said company as early as in the year 1994 and was holding a permanent post. This Court deems fit to extract the contents of Ex-X.3 - Salary Certificate hereunder:

*"**<u>To whomsoever it may concern</u>***

This is to certify that Mr.K.Ravichandran, Emp-No.3006 was employed in our company as operator in Cubical (Heavy Machines) Department from 06-10-1994 and passed away in road accident on 13-06-2019.

We give below his wage details for the month of May 2019 consisting of 26 days:

Basic	-	*Rs. 9,428-00*
VDA	-	*Rs.15,716-00*
Allowances	-	*Rs.12,776-00*
Incentive (Variable)	-	*<u>Rs. 8,378-00</u>*
Total	-	*<u>Rs.46,298-00</u>*

(RUPEES FORTY SIX THOUSAND TWO HUNDRED AND NINETY EIGHT ONLY)"

21. On the side of the petitioners, Ex-P.13 - Income Tax Certificate [Tax Deducted at Source (TDS) Certificate] for the Financial Years 2016-17 to 2018-19, Ex-P.14 - Bank Statement of the deceased and Ex-P.15 - Monthly Salary Bills were also marked. Ex-P.13 - TDS Certificate, Ex-P.14 - Bank Statement and Ex-P.15 - Monthly Salary Slip corroborate Ex-X.3 - Salary Certificate, as per which, the deceased was earning a sum of Rs.46,298/- per month including travel and washing allowances.

22. It is well settled that the salary of an employee includes not only the basic pay but also all other attendant perks and allowances forming part of the regular income. However, the said principle is not without exceptions. Allowances such as food allowance, travelling allowance, and other similar payments, which are intended to meet the expenses that an employee would ordinarily incur in the course of employment, are not liable to be included while computing the income for the purpose of determining compensation [*See:* ***National Insurance Company Limited -vs- Indira Srivastava*** *reported in* ***(2008) 2 SCC 763*** and ***Divisional Manager, Oriental Insurance Company Limited -vs- Radha Saiprasad***, reported in ***2021 (1) TN MAC 414 (DB)***]. To put it differently, while computing the compensation, the Tribunal is required to take into account all allowances forming part of the regular income, except those such as travelling allowance, diet money, washing allowance or other allowances directly related to the performance of duties. In the present case, travelling and washing allowances are the ones ordinarily incurred in the course of the deceased's employment and granted for performance of duties. Hence, after deducting the travelling allowance and washing allowance, the monthly income of the deceased works out to Rs.42,416/-.

23. The Tribunal, without assigning any reasons, has taken the monthly income of the deceased from his occupation as Machine Operator at Rs.31,777/-, which is clearly erroneous, not in tune with the evidence on record and also on the lower side. At the same time, the Tribunal has also failed to properly deduct income tax and professional tax while computing the compensation under the head of loss of income / dependency.

24. Further, first petitioner / P.W.1, who is none other than the wife of the deceased, has deposed that the deceased owned 7 Acres of agricultural land and thereby earned a sum of Rs.20,000/- per month. The petitioners' side marked Ex-P.11 - Title Deeds and Ex-P.12 – Chitta in this regard. She also deposed that after the demise of her husband, the agricultural income has diminished substantially. In this case, perusal of records reveal that there is no evidence to show the income of the deceased from agricultural operations and also, there is no evidence to show that the income therefrom diminished after the demise of the deceased. Even while assuming that the deceased earned Rs.20,000/- per month as pleaded by the petitioners, in the absence of any material evidence in this regard, this Court is of the view that there may not have been any diminution in agricultural income. Moreover, since the deceased was primarily employed in a private company as a Machine Operator, the Tribunal is not justified in adopting a sum of Rs.48,000/- as monthly income from agricultural operations notionally. Such an approach is permissible only when the deceased is primarily engaged in agriculture. Hence, this Court is not inclined to consider agricultural income while computing compensation under the head of loss of income / dependency.

25. As stated *supra*, as per the evidence available on record, the monthly salary of the deceased, after deducting conveyance and washing allowances, is Rs.42,416/-. Since the deceased was aged 53 years at the time of the accident, future prospects is required to be added in terms of the dictum laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited -vs- Pranay Sethi****, reported in* ***(2017) 16 SCC 680***. With an addition of 15% towards future prospects, which amounts to Rs.6,362/-, the total monthly income would be Rs.48,778/-.

Accordingly, the annual income of the deceased would be Rs.5,85,336/- (Rs.48,778/- X 12). After deducting professional tax of Rs.2,500/-, the annual income is Rs.5,82,836/-.

26. The accident occurred on June 13, 2019 and the corresponding Financial Year for the same is 2019-2020 and Assessment Year 2020 - 2021. As per the income tax slabs applicable for the said assessment year, income tax payable on the annual income of Rs.5,82,836/- is Rs.29,067/-. In addition, 4% health and education cess is to be deducted which amounts to Rs.1,163/-. For the sake of convenience, income tax slabs for the relevant assessment year is given below:

Income Tax Slabs for the Assessment Year 2020-2021	
Taxable Income	**Tax Rate**
Up to Rs. 2,50,000	Nil
Rs. 2,50,000 to Rs 5,00,000	5%
Rs. 5,00,000 to Rs. 10,00,000	20%
Above Rs. 10,00,000	30%

27. After deducting the total tax, the annual income is Rs.5,52,606/-. From this amount, one-third is to be deducted towards personal expenses of the deceased, which comes to Rs.1,84,202/-. The remaining income after all deductions is Rs.3,68,404/-.

28. As regards the application of split-multiplier by the Tribunal, after the authoritative pronouncement of the Hon’ble Supreme Court in ***Pranay Sethi's case*** *(cited supra)*, the adoption of the split multiplier method is impermissible and erroneous, except in exceptional circumstances where the Tribunal is bound to record the same in writing. Nor could such reasons be gathered from the facts of the case. In this regard, reference shall be made to ***Maya Singh -vs- Oriental Insurance Co. Ltd.***, reported in ***2025 SCC OnLine SC 266,*** wherein it was *inter alia* held by Hon'ble Supreme Court as hereunder:

> *"11.5 From the above, it is clear that normally Courts and Tribunals have to apply the multiplier as per the judgement of this Court in Sarla Verma reported in (2009) 6 SCC 121. Any deviation from the same warrants special reasons to be recorded. In the case in hand, neither any special reason has been recorded by the High Court while applying the split method nor we find there is one in the facts of the case. In the case in hand, the deceased was a technically qualified person and people are generally healthy at that age and continue working even after retirement.*

12. Considering the aforesaid factual aspects and position of law, in our view, the compensation on account of loss of income while applying the multiplier of 9 by the Tribunal without applying the split method is the correct calculation on that account. . . ."

29. In that case the age of the deceased was close to 58 years and he was employed as a phone mechanic with Bharat Sanchar Nagar Limited. It was *inter alia* in this factual context, the Hon'ble Supreme Court held that the deceased being a technically qualified, and as people at that age are generally healthy and often continue working even after retirement, there is no reason to opt for split-multiplier method. In the instant case, the deceased passed away at the age of 53 Years and he being a machine operator can also be considered as a technically qualified person. Considering his age, his occupation as a machine operator and the fact that he was also engaged in agriculture, it could be inferred that he was a hale and healthy person prior to the accident, which means he had a potential to earn even after retirement. In view of these facts, this Court is of the view that the Tribunal is not right in applying split-multiplier method. Therefore, the contention raised by the petitioners in this regard deserves to be accepted.

30. The income of the deceased after deductions is Rs.3,68,404/- per annum and appropriate multiplier as per the Judgment of Hon'ble Supreme Court in ***Sarla Verma -vs- Delhi Transport Corporation****,* reported in ***(2009) 6 SCC 121*** is 11. Hence, the loss of dependency would be Rs.3,68,404 x 11 = Rs. 40,52,444/-.

31. The calculation under the head of loss of income / dependency can be tabulated as hereunder:

Compensation under the head of loss of income / dependency		
S.No.	***Description***	***Amount***
1.	Monthly Salary	Rs.42,416/-
2.	Adding Future Prospects- 15%	Rs.6,362/-
3.	Annual Income (12 months)	Rs.5,85,336/-
4.	Less Professional Tax	(-)Rs.2,500/-
5.	Less Income Tax Deduction with Cess	(-) Rs.30,230/-
6.	Less 1/3rd Personal Deduction	(-) Rs.1,84,202/-
7.	Applying Multiplier of 11	Rs. 40,52,444/-
Total Compensation under the head of loss of income / dependency		***Rs. 40,52,444/-***

32. In all other aspects and heads, this Court finds no reason to interfere with the Award of the Tribunal. To the above extent, the Award of the Tribunal is liable to be interfered with. **Point Nos.(ii) and (iii) are answered accordingly.**

33. Thus, the petitioners are entitled to the modified compensation as tabulated hereunder:

S. No.	*Head*	*Compensation Awarded by the Tribunal (in Rupees)*	*Compensation Awarded by this Court (in Rupees)*
1.	Loss of Income/ Dependency	21,06,556/-	40,52,444/-
2.	Funeral Expenses	15,000/-	15,000/-
3.	Loss of Estate	15,000/-	15,000/-
4.	Loss of Consortium- Spousal Consortium - Rs.40,000/- Filial Consortium- Rs. 40,000/- Parental Consortium- Rs. 40,000/-	1,20,000/-	1,20,000/-
	TOTAL	***22,56,556/-***	***42,02,444/-***

CONCLUSION

34. The appellant in C.M.A.No.2440 of 2023 / Insurance Company is directed to deposit the modified Award amount of **Rs.42,02,444/- *(Rupees Forty-Two Lakhs Two Thousand Four Hundred and Forty-Four only)*** along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, with proportionate costs incurred by the claimants before the Tribunal, less the amount if any already deposited, within a period of eight (8) weeks from the date of receipt of copy of this Judgment. As directed by the Tribunal, the aforesaid Award amount and interest shall be deposited via NEFT/RTGS to the credit of

Bank Account No.36019416672, IFSC Code : SBIN0000827, State Bank of India, Main Branch, Coimbatore. The aforesaid Award amount and interest shall be apportioned in a manner proportionate to the apportionment made by the Tribunal. In all other aspects, the Award of the Tribunal shall hold good.

35. Resultantly,

(i) C.M.A. No.1886 of 2023 filed by the petitioners / claimants is allowed in part with proportionate costs throughout, as detailed above.

(ii) C.M.A. No.2440 of 2023 filed by the Insurance Company is dismissed.

(iii) Considering the facts and circumstances of the case, there shall be no order as to costs in CMA No.2440 of 2023.

(iv) Consequently, connected Civil Miscellaneous Petition is closed.

[N.S.K., J.] **[R.S.V., J.]**

22.01.2026

Index : Yes / No
Neutral Citation : Yes
Speaking Order : Yes
TK

N.SATHISH KUMAR, J.
AND
R.SAKTHIVEL, J.

TK

To
The Motor Accidents Claims Tribunal /
IV Additional District Court
Coimbatore.

C.M.A.NOS.1886 AND 2440 OF 2023

22.01.2026