



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal Nos.2000 & 2001 of 2026

Hepziba
D/o.David

..Appellant in C.M.A.
No.2000/2026

1.Mahalakshmi
W/o.Late Manimaran

2.Minor Sindhu
D/o.Late Manimaran

3.Minor Sarvesh
S/o.Late Manimaran

[Minor petitioners 2 & 3 are
represented by their mother
Mrs.Mahalakshmi as NG & NF]

..Appellants in C.M.A.
No.2001/2026

Vs

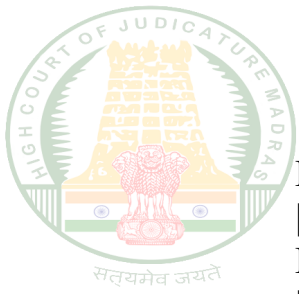
1. K.Sarathkumar
S/o.Kuppan Ganesan

2. M/s.Dhara Logistics
No.49/26, 1st Floor, Coral Merchant Street,
Mannady, Chennai - 600 001.

3. Royal Sundaram General Insurance Co. Ltd.,
D.O.: T.P.Cell: No.1, II Floor,
Subramaniam Buildings,
Club House Road, Anna Salai,
Chennai -600 002.

..Respondents in both
appeals

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in M.C.O.P.Nos.1892 & 2008 of 2022 dated 19.12.2025 before the Motor Accident Claims Tribunal, (SPL Court I), Small Causes Court, Chennai.



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For Appellants : Mr.D.Poovannan
[in both appeals]
For Respondents : Mr.S.Srinivasan [R3]
[in both appeals] *Ex parte* [R1 & R2]

COMMON JUDGMENT

The issue involved in both the appeals is common and hence, they are taken up together, heard and disposed of through this common order.

2. The appellants in C.M.A.No.2001 of 2026 are the wife and children of deceased Manimaran and they filed M.C.O.P.No.2008 of 2022 on the file of Motor Accident Claims Tribunal, SPL Court I, Small Causes Court, Chennai. The appellant in C.M.A.No.2000 of 2026 is the owner of the lorry, who claimed compensation for damages to the vehicle and filed M.C.O.P.No.1892 of 2022 on the file of Motor Accident Claims Tribunal, SPL Court I, Small Causes Court, Chennai.

3. The case of the legal heirs of the deceased is that the deceased was driving the TATA lorry on 09.04.2022 from Pollachi to Chennai and at about 5.30 hours, when the vehicle was crossing Maduranthagam, the offending vehicle, a lorry, was parked without any indicator, as a result of which the deceased dashed the parked lorry and sustained grievous injuries and died on the spot. It is under these circumstances, the claim petition came to be filed in M.C.O.P.No.2008 of 2022.

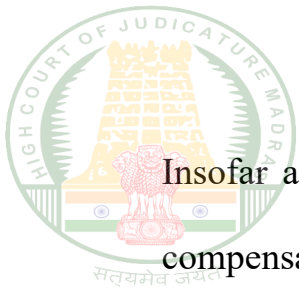


4. The claimant in M.C.O.P.No.1892 of 2022 was the owner of the lorry, which was driven by the deceased and the claim was made towards the damages caused to the vehicle.

5. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had taken place only due to the negligence on the part of the driver of the lorry, which was parked in the road. The Tribunal also came to a conclusion that the lorry belonging to the claimant in M.C.O.P.No.1892 of 2022 suffered serious damages only due to the negligence of its driver.

6. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.16,02,000/- in M.C.O.P.No.2008 of 2022 under the following heads:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	14,52,000/-
2.	Loss of consortium	40,000/-
3.	Loss of parental consortium	80,000/-
4.	Loss of estate	15,000/-
5.	Funeral expenses	15,000/-
		16,02,000/-

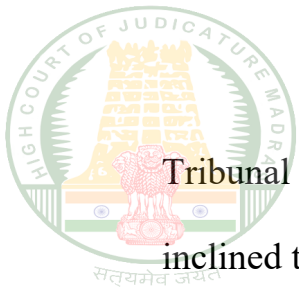


Insofar as M.C.O.P.No.1892 of 2022 is concerned, the Tribunal fixed a total compensation of Rs.1,00,000/-. The above compensation was directed to be paid with interest at 7.5% p.a. Aggrieved by the same, the claimants have filed these appeals seeking enhancement of compensation.

7. Heard learned counsel for appellants and learned counsel for third respondent.

8. Insofar as C.M.A.No.2000 of 2026 is concerned, it is contended that the Tribunal did not properly appreciate Ex.P12 [Aadhar Card of the appellant] and Ex.P19 [Xerox copy of appellant's bank passbook] and did not fix appropriate compensation for the damages caused to the lorry belonging to the appellant. In view of the same, the appellant is seeking for additional compensation of Rs.5,00,000/-.

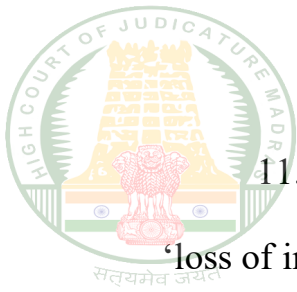
9. This Court carefully considered the award passed by the Tribunal. The Tribunal had taken into consideration all the exhibits and came to the conclusion that the appellant has not filed any material to substantiate the cost incurred towards repair of the lorry and what was filed was only the estimate. Therefore, the Tribunal fixed a sum of Rs.1,00,000/- as compensation. This finding rendered by the Tribunal cannot be held to be perverse and the



Tribunal has fixed this compensation only on approximation. This Court is not inclined to take a different view.

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10. Insofar as C.M.A.No.2001 of 2026 is concerned, the accident had taken place in the year 2022 and the deceased was a lorry driver and the claimants are wife and two minor children. In the absence of any proof of income, the Tribunal had fixed the notional monthly income at Rs.15,000/-. In the considered view of this Court, this notional monthly income fixed by the Tribunal is certainly on the lower side. This Court is inclined to fix the notional monthly income of the deceased at Rs.21,000/-. The date of birth of the deceased was 04.06.1971 and as on the date of the accident i.e. 09.04.2022, the deceased had completed only 50 years, 10 months and 5 days. However, the Tribunal has taken the age of the deceased as 51 and applied multiplier '11'. This finding of the Tribunal is erroneous and the deceased had not completed 51 years and therefore, the Tribunal should have considered the age of the deceased as 50 and applied multiplier '13'. Similarly, the Tribunal had taken only 10% towards future prospects since the age of the deceased was taken as 51 instead of 50. Since this Court has concluded that the age of the deceased was 50 years at the time of accident, 25% ought to have been taken towards future prospects.



11. In the light of the above discussion, the compensation under the head 'loss of income' is calculated as follows:

Monthly Income	:	Rs. 21,000/-
Add:25% future prospects	:	Rs. 5,250/-

		Rs. 26,250/-
Less: Personal expenses (1/3)	:	Rs. 8,750/-

		Rs. 17,500/-
		x 12

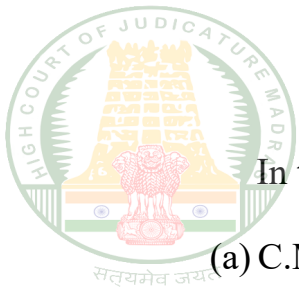
Annual income	:	Rs. 2,10,000/-
Multiplier	:	x 13

Loss of income	:	Rs.27,30,000/-

The compensation fixed by the Tribunal under the other heads is reasonable and does not require the interference of this Court.

12. Accordingly, the modified compensation would be:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of dependency	14,52,000/-	27,30,000/-
2.	Loss of consortium	40,000/-	40,000/-
3.	Loss of parental consortium	80,000/-	80,000/-
4.	Loss of estate	15,000/-	15,000/-
5.	Funeral expenses	15,000/-	15,000/-
		16,02,000/-	28,80,000/-



In the result,

(a) C.M.A.No.2000 of 2026 is dismissed. The third respondent insurance company is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

(b) C.M.A.No.2001 of 2026 is partly allowed. The compensation awarded by the Tribunal at Rs.16,02,000/- is enhanced to Rs.28,80,000/-. The third respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the appellants/claimants are entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

No costs.

02-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal,
(SPL Court I), Small Causes Court,
Chennai.

CMA Nos.2000 & 2001 of 2



N.ANAND VENKATESH, J.

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Civil Miscellaneous Appeal Nos.2000 & 2001 of 2026

02-07-2026