



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

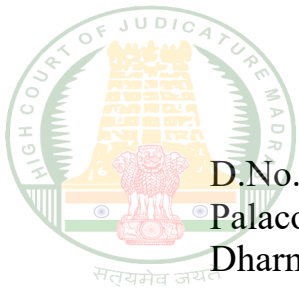
CMA No. 1895 of 2026

1. Govindaraj
S/o. Munisamy,
Res. at D.No. 5/11,
Neruppukuttai,
Irudhalam Post,
Denkanikottai Taluk,
Krishnagiri District 635 113.
2. Muthamma
W/o. Govindaraj,
Res. at D.No. 5/11,
Neruppukuttai,
Irudhalam Post,
Denkanikottai Taluk,
Krishnagiri District 635 113.
3. Murugamma
D/o. Govindaraj,
Res. at D.No. 5/11,
Neruppukuttai,
Irudhalam Post,
Denkanikottai Taluk,
Krishnagiri District 635 113.

..Appellant(s)

Vs

1. P.Thangavel
S/o. Periyasamy,
No. 156, Sengalaneerpatty,
Periyakottakulam,
Uthangarai Taluk,
Krishnagiri District.
2. Periyannan
S/o. Pappannan,



D.No. 4/45, Pulikkarai Village,
Palacode Taluk,
Dharmapuri District.

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3. The Manager, Magma HDI General Insurance
Co., Ltd
Naveens Presidium,
3rd Floor, N.M.Road,
New No. 17/19, Old No. 103,
B Block, 3A, Nelson Manickam Road,
Chennai-29

..Respondent(s)

CMA No. 1895 of 2026

To enhance the compensation amount and fix the entire liability on
3rd respondent in the order dated 03.02.2024 made in MCOP No. 791 of 2021
on the file of the MACT Tribunal, Special District Court, Krishnagiri

For Appellant(s): M/s.S.P.Yuaraj
K.Premnath
S.Ramprabu
L.Manisha

For Respondent(s): M/s.N.Desinghu For R2
M/s.R.Sreevidhya For R3

Judgment

This Civil Miscellaneous Appeal has been filed by the claimants
challenging the award passed by the Motor Accident Claims Tribunal, Special
District Court, Krishnagiri in MCOP No.791 of 2021 dated 03.02.2024,
wherein the claimants are seeking for enhancement of compensation fixed by
the Tribunal.



2. The 1st petitioner is the father, 2nd petitioner is the mother and the 3rd petitioner is the sister of the deceased. They filed a claim petition on the ground that on 23.01.2020, at about 19.00 hours, the deceased was proceeding in his two wheeler at Rayakottai to Kelamangalam Road. When the two wheeler was proceeding near Nallur Medu Anbazhagan Home, the offending vehicle belonging to the 2nd respondent was driven in a rash and negligent manner and hit the two wheeler on the rear side. As a result of which, the deceased was thrown out of the vehicle and sustained fatal injuries and died on the spot. An FIR came to be registered in Crime No.14 of 2020 against the driver of the vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the offending vehicle.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.17,81,460/- under various heads as follows :-



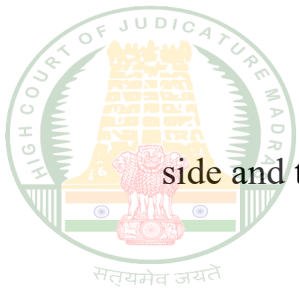
Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	Rs.18,14,400/-
2.	Loss of Estate	Rs. 16,500/-
3.	Funeral Expenses	Rs. 16,500/-
4.	Loss of Consortium (P1 to P3) Rs.44,000x 3 =	Rs.1,32,000/-
	Total	Rs.19,79,400/-
	Less 10% Contributory negligence	Rs.1,97,940/-
	Total	Rs.17,81,460/-

5. The Tribunal took into consideration the fact that the deceased had driven the two wheeler without a driving license and therefore, attributed 10% contributory negligence and deducted a sum of Rs.1,97,940/- and thereby arrived at a total compensation of Rs. 17,81,460/-.

6. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed this Appeal seeking for enhancement of compensation.

7. Heard Mr.S.P.Yuvaraj, learned counsel for appellants/claimants and Mr.N.Desingu, learned counsel for 2nd respondent and Mrs.R.Sreevidhya, learned counsel for 3rd respondent.

8. This Court carefully considered the submissions made on either



side and the materials available on record.

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9. This Court also carefully went through the award passed by the Tribunal.

10. The main ground that was raised by the learned counsel for the Appellants is that the accident is of the year 2020 and the Tribunal fixed the monthly income of the deceased as Rs.12,000/- which is on the lower side. The other ground raised is that the Tribunal deducted 10% towards contributory negligence on the ground that the deceased did not possess a driving license and therefore submitted that the same requires the interference of this Court.

11. The accident had taken place in the year 2020 and the claimants lost a 22 year old man and considering the cost of living , it will be appropriate to fix the notional monthly income at Rs.17,000/-. Insofar as the contributory negligence that was fixed by the Tribunal is concerned, the mere fact that the rider of the vehicle did not possess a driving license is not a ground to straight away come to a conclusion that there was contributory negligence on the part of the rider of the two wheeler. The rider of the two wheeler ought to have contributed to the accident in order to invoke the principle of contributory negligence. Useful reference can be made to the judgement of this Court in ***Dinesh Kumar J. v. National Insurance Company Limited & others [(2018) 1***



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

Monthly Income	:	Rs. 17,000/-
Add:40% future prospects	:	Rs. 6,800/-

		Rs. 23,800/-
Less: Personal expenses (1/2)	:	Rs. 11,900/-

		Rs. 11900/-
		x 12

Annual income	:	Rs. 1,42,800/-
Multiplier	:	x 18

Loss of income	:	Rs.25,70,400/-

13. The compensation fixed under the other heads are just and proper and it does not require the interference of this Court.

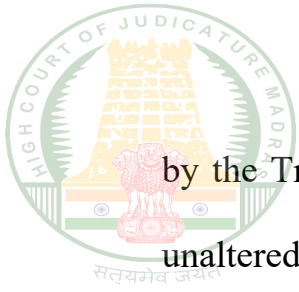
14. In the light of the above discussion, this Court modifies the compensation in the following manner:



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<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	Rs.18,14,400/-	Rs.25,70,400/-
2.	Loss of Estate	Rs. 16,500/-	Rs.16,500/-
3.	Funeral expenses	Rs. 16,500/-	Rs.16,500/-
4.	Loss of consortium (P1 to P3) Rs.44,000x3 = Rs.1,32,000/-	Rs.1,32,000/-	Rs.1,32,000/-
	Total	<i>Rs.19,79,400/-</i>	Rs. 27,35,400/-
	Less:10% (D.L)	<i>Rs.1,97,940/-</i>	-
	Compensation payable	Rs.17,81,460/-	Rs.27,35,400/-

15. The compensation awarded by the Tribunal at Rs.17,81,460/- is enhanced to Rs.27,35,400/-. The 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. Insofar as the enhanced compensation of Rs.9,53,940/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 368 days as was ordered by this Court in C.M.P.No.13784 of 2025, dated 08.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued



by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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16. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

29-06-2026

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

RKA

To
The Motor Accident Claims Tribunal, Special District Court, Krishnagiri



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N.ANAND VENKATESH J.

RKA

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