IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1672 of 2026
and
C.M.P.No.13954 of 2026

The Divisional Manager,
United India Insurance Co. Ltd.,
Third Party Service Hub,
Plot No.35, 36, 37,
A.R. Plaza, 45 Feet Road,
Balaji Nagar Extn.,
Saram, Puducherry 605 011.

..Appellant

Vs

P. Subramani (Died)
S/o.Periyasamy

1. S.Sangeetha
W/o.Sakthivel

2. S.Ilayaraja
S/o.Subramani

3. K.Valarmathi
W/o.Kalaiselvan

4. S.Barani
S/o.Sivaji

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order passed by the Tribunal in MCOP No.3980 of 2018 on the file of the Motor Accident Claims Tribunal, Special District Judge No.1, Cuddalore, dated 09.01.2024.

For Appellant : Mr.M.Krishnamoorthy

For Respondents : Mrs.Ramya V. Rao [R1 to R3]

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JUDGMENT

This appeal has been filed by the appellant insurance company challenging the award passed by the Motor Accident Claims Tribunal, Special District Judge No.1, Cuddalore, in M.C.O.P.No.3980 of 2018 dated 09.01.2024, questioning the quantum of compensation fixed by the Tribunal.

2. The first claimant is the husband and claimants 2 to 4 are the daughters of the deceased Minnalkodi. The case of the claimants is that on 13.05.2018, the deceased was walking in the corner of the Cuddalore - Chidambaram Main Road and at about 05.00 p.m., the offending vehicle belonging to the fourth respondent was driven in a rash and negligent manner and hit the deceased as a result of which she sustained grievous injuries and succumbed to the injuries on 17.05.2018. It is under these circumstances, the claim petition came to be filed before the Tribunal.

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 driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.20,76,300/- under various heads as follows:

Sl.No.	***Compensation awarded under the head***	***Amount (in Rs.)***
1.	Loss of income	19,01,328/-
2.	Loss of love and affection	1,20,000/-
3.	Loss of clothes and articles	25,000/-
4.	Transport expenses	15,000/-
5.	Funeral expenses	15,000/-
	Total	**20,76,328/-**
	Rounded off to	**20,76,300/-**

The above compensation was directed to be paid together with interest at 7.5% p.a. in the proportion fixed by the Tribunal.

4. Heard learned counsel for appellant and learned counsel for respondents 1 to 3.

5. The main ground taken by the appellant insurance company is that the Tribunal wrongly fixed the age of the deceased as 48 years based on the postmortem certificate, whereas, the eldest daughter of the deceased was aged about 38 years and therefore, the deceased could not have begotten the child when she was 10 years. Accordingly, the appellant insurance company has sought for re-fixation of the age of the deceased and for application of the

appropriate percentage of future prospects and multiplier. The appellant insurance company has also questioned 1/4 deduction made by the Tribunal and sought for deduction of 1/2 towards personal expenses of the deceased.

6. Learned counsel for the claimants submitted that the Tribunal had taken into consideration the age determined in the postmortem certificate and the same cannot be held to be illegal. Apart from that, it is submitted that even the Aadhar Card carries the same date of birth and age of the deceased. Learned counsel further submitted that the Tribunal considered the total number of dependents and fixed 1/4 towards personal expenses, which is perfectly in accordance with law. Learned counsel, therefore, submitted that there is no ground to interfere with the award passed by the Tribunal and accordingly, sought for dismissal of this appeal.

7. The age of the deceased was determined as 48 years based on the postmortem certificate, which was marked as Ex.P2. The eldest daughter was admittedly 38 years at the time of filing the claim petition. If that is so, the deceased should have given birth to the child when she was 10 years, which is not possible and therefore, fixing the age of the deceased as 48 years, on the face of it, is erroneous. Even though that was the age mentioned in the postmortem certificate, that cannot be taken as gospel truth since the deceased could not have delivered the child when she was 10 years.

8. In view of the above, considering the age of the first claimant, who was the husband and who was 58 years at the time of filing the claim petition, this Court is inclined to fix the age of the deceased as 55 years. Insofar as deduction towards personal expenses is concerned, this Court is inclined to modify and deduct 1/3 towards personal expenses of the deceased and award 10% towards future prospects instead of 25%. Accordingly, the compensation under the head loss of income is calculated as follows:

Monthly Income	:	Rs. 13,000/-
Add:10% future prospects	:	Rs. 1,300/-
		Rs. 14,300/-
Less: Personal expenses (1/3)	:	Rs. 4,767/-
		Rs. 9,533/- x 12
Annual income	:	Rs. 1,14,396/-
Multiplier	:	x 11
Loss of income	:	Rs.12,58,356/-

9. It is seen that the Tribunal has only granted a sum of Rs.1,20,000/- towards loss of consortium. Admittedly, there were four claimants at the time of filing the claim petition and the first claimant husband died only after the filing of the claim petition. Therefore, a sum of Rs.1,60,000/- has to be fixed under the head loss of consortium. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

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

Sl.No.	***Compensation awarded under the head***	***Amount by the Tribunal (in Rs.)***	***Amount awarded by this Court (in Rs.)***
1.	Loss of income	19,01,328/-	12,58,356/-
2.	Loss of love and affection	1,20,000/-	1,60,000/-
3.	Loss of clothes and articles	25,000/-	25,000/-
4.	Transport expenses	15,000/-	15,000/-
5.	Funeral expenses	15,000/-	15,000/-
	Total	**20,76,328/-**	**14,73,356/-**
	Rounded off to	**20,76,300/-**	**14,73,400/-**

11. The compensation awarded by the Tribunal at Rs.20,76,300/- is reduced to Rs.14,73,400/-. The appellant insurance company is directed to deposit the modified 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. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

30-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal,
Special District Judge No.1,
Cuddalore.

N.ANAND VENKATESH, J.

gm

Civil Miscellaneous Appeal No.1672 of 2026

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