



WEB COPY

CMA No. 1925 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 1925 of 2025

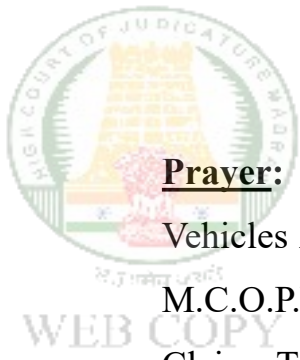
1. M.Palanisamy,
S/o.Maniyan,
residing at No.1326 Therku theru,
Nelladikuppam,
Marungur and Post,
Panruti Taluk - 607 103.
2. Tamilarasi,
W/o.M.Palanisamy,
Residing at No.1326, Therku theru,
Nelladikuppam, Marungur and Post,
Panruti Taluk - 607 103.

..Appellant(s)

Vs

1. Ramarajan. K.
S/o.Kannan,
No.2/49, East Street,
Keerimedu, Thaduthakondur,
Ullundurpet Taluk- 607 203.
2. The Chief Manager,
Reliance General Insurance Co. Ltd.,
Reliance House, 6th Floor,
No.6 Haddows Road,
Nungambakkam,
Chennai - 600 006.

..Respondent(s)



Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 25-02-2025 passed in M.C.O.P.No.185 of 2020 on the file of the learned Sub Judge, Motor Accidents Claims Tribunal, Panruti.

For Appellant(s): Ms.Ramya V.Rao

For Respondent(s): Mr.P. Suresh Srinivasan
for R2

R1-Notice Dispensed With

Judgment

This Civil Miscellaneous Appeal has been filed by the claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal (Sub Court), Panruti in M.C.O.P. No.185 of 2020 dated 25.02.2025.

2.The case of the claimants before the Tribunal was that on 22.04.2020 at about 7.10 a.m., the deceased Jeyaraman, aged about 26 years, was riding a Honda Dio motorcycle bearing Registration No.TN-31-CX-8611 on the Panruti–Salem main road. The injured claimant was travelling as a pillion rider. At that time, a TVS Suzuki motorcycle bearing Registration No.TN-15-C-8124, driven by the first respondent in a rash and negligent manner, came from the opposite direction and dashed against the vehicle of the deceased. Due to the impact, the deceased sustained grievous injuries and succumbed to the same.



The claimants, being the parents of the deceased, filed the claim petition seeking compensation of Rs.50,00,000/-.

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3.The second respondent / Insurance Company resisted the claim by contending that the accident occurred due to the negligence of the deceased himself and further disputed the age, occupation and income of the deceased.

4.Upon considering the oral and documentary evidence, the Tribunal held that the accident occurred due to the rash and negligent driving of the rider of the offending vehicle belonging to the first respondent and insured with the second respondent. The Tribunal assessed the monthly income of the deceased at Rs.15,000/-, added 40% towards future prospects, deducted 1/2 towards personal expenses, applied the multiplier 17, and awarded compensation of Rs.22,63,000/-. Dissatisfied with the quantum of compensation, the claimants have filed the present appeal seeking enhancement.

5.The learned counsel appearing for the appellants submitted that the learned Tribunal, though correctly fixing the negligence on the respondent's vehicle, failed to award just and adequate compensation. The deceased Jayaraman was working as a lorry driver in Panruti Kumaran Transport and was



earning Rs.50,000/- per month and had also completed Mechanical Engineering.

However, the Tribunal fixed the notional income at only Rs.15,000/- per month, which is meagre considering the accident occurred on 22.04.2020. The appellants had produced a salary certificate marked as Ex.P14, but the Tribunal rejected it without assigning valid reasons. Considering the deceased's qualification and employment, his income ought to have been fixed at least at Rs.20,000/- per month. The Tribunal also failed to follow the principles laid down by the Hon'ble Supreme Court regarding fixation of notional income and determination of just compensation.

6.Per contra, the learned counsel appearing for the second respondent submitted that the Tribunal has already granted a just and reasonable compensation and therefore the award does not warrant interference.

7.This Court carefully considered the rival submissions and perused the materials available on record.

8. In the present case, the Tribunal has rightly held that the accident occurred due to the rash and negligent driving of the vehicle belonging to the first respondent and insured with the second respondent. Therefore, the liability



to pay compensation was correctly fixed on the respondents. However, the grievance of the appellants is only with regard to the quantum of compensation awarded by the Tribunal, which is found to be inadequate. The deceased Jayaraman was aged about 26 years at the time of accident and was working as a lorry driver in Panruti Kumaran Transport. The appellants contended that he was earning Rs.50,000/- per month and also possessed a Diploma in Mechanical Engineering. In support of the said contention, the appellants produced the salary certificate marked as Ex.P14. However, the Tribunal, without assigning proper reasons, rejected the said document and fixed the notional income of the deceased only at Rs.15,000/- per month. Considering the year of accident, i.e., 22.04.2020, and the nature of work performed by the deceased as a lorry driver, the income fixed by the Tribunal appears to be on the lower side. It is well settled that even in the absence of strict documentary proof, the Tribunal ought to fix a reasonable income based on the nature of employment, educational qualification, and prevailing wage structure. The deceased having completed Diploma in Mechanical Engineering would have certainly had the capacity to earn a higher income and therefore, the income ought to have been fixed at least at Rs.20,000/- per month. The Tribunal further adopted the multiplier method and after adding future prospects and deducting personal expenses, calculated the loss of dependency. However, the overall compensation awarded by the Tribunal under different conventional heads is comparatively lesser than the just and reasonable compensation that ought to have been granted. Considering the



age of the deceased (26 years), the appropriate multiplier would be 17 and 40% has to be added towards future prospects in view of the settled principles laid down by the Supreme Court. After making necessary deductions towards personal expenses and applying the multiplier, the compensation payable to the appellants would be calculated as follows:

<u>Sl. No</u>	<u>Head</u>	<u>Amount</u>
1.	Loss of dependency	-Rs.25,70,400/-
2.	Loss of love and affection	-Rs.80,000/-
3.	Funeral expenses	-Rs.15,000/-
4.	Loss of estate / damages	-Rs.15,000/-
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	<u>Total</u>	<u>-Rs.26,80,400/-</u>

Thus, the compensation payable to the claimants is Rs.26,80,400/-.

9. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.26,80,400/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.185 of 2020 on the file of the learned Sub Judge, Motor Accidents Claims Tribunal, Panruti, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default period. On such deposit, the claimants are



permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPS

To

1.The Sub Judge,
Motor Accidents Claims Tribunal,
Panruti.

2.The Section Officer,
V.R. Section,
Madras High Court.



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K.GOVINDARAJAN THILAKAVADI J.

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