



C.M.A.No.3451 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

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THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.3451 of 2025

1.Pakkiri

2.Dhanavalli

3.D.Vijayalakshmi

.. Appellants /Petitioners

Vs.

1. Sundaravel

2. The Branch Manager,

National Insurance Co. Ltd.,

165, Nethaji Road, Manjakuppam,

Cuddalore – 607 001.

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation awarded in M.C.O.P.No.794 of 2019 dated 27.02.2025 on the file of the Special District Court No.II to deal with the MCOP cases, Cuddalore.

For Appellants : Ms.Ramya V.Rao

For R1 : Notice is dispensed with

For R2 : Mr.C.R.Krishnamoorthy



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JUDGMENT

The legal heirs of the one deceased Vijayakumar have preferred this Civil Miscellaneous Appeal against the award dated 27.02.2025 passed in M.C.O.P.No.794 of 2019 by the Special District Court No.II to deal with MCOP Cases, Cuddalore, for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Heard the learned counsel for the appellants/claimants and the learned counsel for the second respondent. Perused the relevant records.

4. The Claim Petition was filed under Section 166(1) of the Motor Vehicles Act, 1988, claiming compensation of Rs.35,00,000/- for the death of Vijayakumar, who died in a road traffic accident that occurred on 20.03.2019.

5. At trial, to substantiate the claim details, on the claimants' side, two witnesses were examined and ten documents were marked. On the side of the second respondent / Insurance Company, two witnesses were examined and six documents were marked.

6. Upon consideration of oral and documentary evidence and after



hearing the arguments advance by either side, the Tribunal granted compensation of Rs.12,17,200/- with interest at the rate of 7.5% per annum from the date of claim petition. The amounts granted under different heads are given hereunder:-

“Towards loss of dependency – Rs.10.75,200/-; towards loss of consortium for the petitioners 1 and 2 – Rs.96,000/-; towards funeral expenses and loss of estate – Rs.36,000/-; and towards transport expenses - Rs.10,000/- in toto a sum of Rs.12,17,200/- was awarded.”

7. The learned counsel for the appellants/claimants would vehemently argue that the deceased, who was aged about 32 years, was working as a Teak Wood Turner and earning a sum of Rs.18,000/- per month. But, the Tribunal fixed the monthly income at Rs.8,000/-, which is inadequate, and therefore sought enhancement of the compensation.

8. Whereas the learned counsel for the second respondent/Insurance Company would strenuously contend that, in the given circumstances, the compensation awarded by the Tribunal under various heads is reasonable and, therefore, it does not warrant any interference by this Court.

9. The manner in which the accident took place is not in dispute. It has



come on record through the evidence of P.W.1 that the deceased was working as Teak Wood Turner and was also running an engineering company, earning a sum of Rs.18,000/- per month. However, no document, such as a bank passbook or income proof, was marked to establish the income of the deceased. In the absence of substantial proof, the Tribunal fixed the notional income of the deceased at Rs.8,000/- per month. Based on Ex.A9 – the Transfer Certificate of the deceased, the age of the deceased is taken as 33 years. The date of accident is 20.03.2019. Upon consideration of the above stated details, this Court deems it fit to fix the income of the deceased at Rs.14,000/- per month.

10. As per the law laid down by the Hon'ble Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi and Others, 2017 (2) TN MAC 609 (SC), the Hon'ble Supreme Court has standardized the details of future prospects. For the persons who are below 40 years of age and not in permanent job, 40% of the income is to be added towards future prospects while computing the loss of dependency. As per the law laid down by the Hon'ble Supreme Court in **Sarla Verma and Others v. Delhi Transport Corporation and Another, 2009 (2) TN MAC 1 (SC)**, as the deceased was a bachelor, 50% of the amount has to be deducted towards personal and living expenses, and the relevant multiplier to be selected is 16m. Based on the aforesaid details, for computing loss of dependency, the following formula emerges:



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11. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and hence, it does not warrant any interference by this Court. The compensation awarded as mentioned supra is reworked and tabulated as given hereunder:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of dependency	Rs.10,75,200/-	Rs.18,81,600/-	Enhanced
2	For Loss of consortium	Rs. 96,000/-	Rs. 96,000/-	Confirmed
3	For Funeral expenses and loss of estate	Rs. 36,000/-	Rs. 36,000/-	Confirmed
4	For Transport Expenses	Rs. 10,000/-	Rs. 10,000/-	Confirmed
	Total	Rs.12,17,200/-	Rs.20,23,600/-	Enhanced

12. Thus, the compensation awarded by the Tribunal is enhanced from Rs.12,17,200/- to Rs.20,23,600/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

13. In the result,



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(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.12,17,200/- to Rs.20,23,600/-.

(iii) The Insurance Company / second respondent is directed to deposit Rs.20,23,600/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of M.C.O.P.No.794 of 2019 on the file of the Motor Accident Claims Tribunal (Special District Court II) Cuddalore. within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the first claimant is entitled to receive a sum of Rs.9,00,000/-; the second claimant is entitled to receive Rs.9,23,600/-; and the third claimant is entitled to receive a sum of Rs.2,00,000/-; along with proportionate interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.



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(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

Consequently, connected Civil Miscellaneous Petition, if any stands closed.

02.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Copy to

1.The Motor Accident Claims Tribunal
(Special District Court II) Cuddalore.

2. The Section Officer,
VR Section,
High Court, Madras.

R. KALAIMATHI, J.

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