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C.M.A.No.678 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2026

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.678 of 2026

K.Devi

... Appellant / Petitioner

vs.

1.N.Krishnan

(1st respondent set exparte before
Lower Court and hence given up)

2.The New India Insurance Co. Ltd.,
No.64, Moore Street,
Chennai-600 001.

... Respondents / Respondents

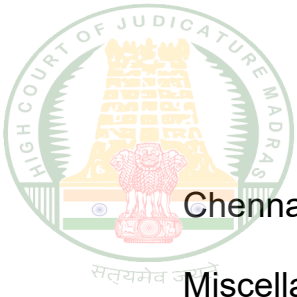
PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award dated 11.08.2022 made in M.C.O.P.No.6720 of 2014 on the file of the Motor Accident Claims Tribunal / IV Judge, Small Causes Court, Chennai.

For Appellants : Ms.P.T.Saleem Fathima

For Respondents : Mr.J.Jayaraman

JUDGMENT

Not satisfied with the quantum of compensation granted by the Tribunal in Award dated 11.08.2022 passed in M.C.O.P.No.6720 of 2014 by the Motor Accident Claims Tribunal / IV Judge, Small Causes Court,



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Chennai, sole dependent of the deceased has preferred this Civil

Miscellaneous Appeal for enhancement of compensation.

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

3. Claim petition was filed under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.7,00,000/- for the death of Smt.Lakshmi Ammal who is a grandmother of the claimant herein who died in a road traffic accident that took place on 30.06.2009.

4. At trial, to substantiate the claim details, on the claimant's side, two witnesses have been examined and fourteen documents have been marked. Ex.P8 is the Death Certificate of Smt.Lakshmi Ammal. Ex.P9 is the legal heir certificate of deceased Lakshmi Ammal.

5. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side granted compensation of Rs.4,36,000/- with 7.5% interest per annum from the date of claim petition. The amounts awarded under various heads are



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given hereunder:-

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Towards loss of Dependency Rs.3,87,200/-; Towards loss of Estate Rs.16,500; Towards Funeral Expenses Rs.16,500/-; Towards Medical Expenses Rs.7,950/-; Towards Transport Expenses Rs.5,500/-; Towards Attender Charges Rs.2,100/- in toto Rs.4,35,750/- rounded off to Rs.4,36,000/- was granted.

6. The learned counsel for the appellant / claimant would vehemently contend that the deceased was aged about 55 years at the relevant point of time, she was eking her livelihood by selling fruits and earning a sum of Rs.4,000/- per month and the Tribunal has fixed the said amount as notional income is not adequate. She would further contend that no amount was granted under the head of loss of love and affection and hence, sought for enhancement of compensation.

7. Per contra, the learned counsel for the 2nd respondent/Insurance Company would strenuously argue that taking into account the age, avocation and income details, the Tribunal has fixed the notional income as claimed by the claimant and according to him it does not warrant any interference by this Court.



8. The manner in which the accident took place is not in dispute. As

regards first limb of the argument put-forth by the learned counsel for the appellant, claimant has deposed that her grandmother was fruit vendor and earning a sum of Rs.4,000/- p.m., but, on the claimant side no document is filed and marked to substantiate the same, therefore, the income claimed by the claimant in the claim petition was taken as notional income by the Tribunal. In such circumstances, the arguments put-forth by the learned counsel for the appellant that the notional income fixed by the Tribunal is less is not acceptable.

9. As held in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in ***2017 (2) TN MAC 609(SC)***, towards loss of consortium, claimant is entitled for Rs.40,000/- and the same is granted.

10. As regards other heads, the amount awarded by the Tribunal appears to be reasonable and acceptable and hence it does not call for any interference by this Court. Therefore, the amounts awarded as mentioned supra, is reworked and tabulated below:-

<i>Sl. No.</i>	<i>Description-</i>	<i>Amount awarded by Tribunal</i>	<i>Amount awarded by this Court</i>	<i>Award confirmed or enhanced or granted or reduced</i>



1	Towards Loss of Dependency	Rs.3,87,200/-	Rs.3,87,200/-	Confirmed
3	Towards Loss of Estate	Rs. 16,500/-	Rs. 16,500/-	Confirmed
4	For Funeral Expenses	Rs. 16,500/-	Rs. 16,500/-	Confirmed
5	Towards Medical Expenses	Rs. 7,950/-	Rs. 7,950/-	Confirmed
6	Towards Transportation Expenses	Rs. 5,500/-	Rs. 5,500/-	Confirmed
7	Towards Attender Charges	Rs. 2,100/-	Rs. 2,100/-	Confirmed
8	Towards loss of Consortium	-	Rs. 40,000/-	Granted
	Total	Rs.4,35,750/-	Rs.4,75,750/-	
	Rounded of as		Rs.4,76,000/-	

11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.4,35,750/- to **Rs.4,76,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

12. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.4,35,750/- to **Rs.4,76,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.4,76,000/-** (less the amount already deposited if any) together with



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interest at the rate of 7.5% per annum from the date of claim petition

(excluding the period of default, if any) to the credit of

M.C.O.P.No.6720 of 2014 on the file of the Motor Accident Claims Tribunal

/ IV Judge, Small Causes Court, Chennai, within a period of eight weeks

from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant/claimant is permitted to withdraw the amount now determined by this Court along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal.

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

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

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Index : Yes/No

Speaking / Non-speaking order

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To:

1. The Motor Accident Claims Tribunal,
IV Judge, Small Causes Court, Chennai.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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