IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 193 of 2026

1.Rathinavel
2.Poovarasan
3.Minor Madhumitha ...Appellants
(Minor 3rd petitioner represented by her natural father / father / Rathinavel)

Vs.

1. Kannan

2. United India Insurance Company Limited,
Branch Office, No.14, C.S.K. Complex,
Town Panchayat Office Road, Uthangarai. …Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order dated 21.10.2024 made in MCOP No.1079 of 2022, on the file of the Special District Court, Motor Accidents Claims Tribunal, Krishnagiri.

For Appellants : Mr. SP.Yuaraj
For Respondents : Mr. R.Rajesh for R2
R1– Notice dispensed with

JUDGMENT

This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants / claimants in MCOP No.1079 of 2022, on the file of the Special District Court, Motor Accidents Claims Tribunal, Krishnagiri, for enhancement of the sum awarded by the claims tribunal.

2. Shortly stated, on 09.09.2022 at about 07.00 hours, the deceased Shanthi was travelling in Maxi Cab bearing Registration No. TN-24-AH-1416 on Uthangarai to Harur Road. When the Maxi Cab was crossing Thippampatti Lake bund near Onnakarai Forest area, the driver of the vehicle driven the same in a rash and negligent manner, as a result of which, the Maxi Cab fell down upside in the centre of the road. Due to said impact, the deceased Shanthi fell down and sustained head injury and was rushed to Government Hospital, Uthangarai. However, she succumbed to injuries on the same day.

3. The legal representatives of the deceased preferred a claim petition for a compensation of Rs.50,00,000/- for the loss caused to them due to the death of Shanthi. The Tribunal accepted the claim of the claimants and

awarded a total sum of Rs.15,15,000/- and directed the 2nd respondent/Insurance Company to pay the award amount to the claimants. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellants / claimants are on appeal.

4. Mr. SP.Yuaraj, the learned counsel for the appellants / claimants submits that the deceased was a Tailor by profession, earning a sum of Rs.30,000/- per month, however, the Tribunal had fixed the notional income of the deceased at Rs.9,000/- per month, which is very meagre. He would further submit that at the time of accident, the deceased was aged only 39 years and 9 months, however the tribunal erroneously considered the age of the deceased as 40 years and applied future prospects only at 25% instead of 40%. He also contended that only meagre amounts were awarded under other heads. Hence, prayed for enhancement of compensation awarded by the Tribunal.

5. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just

compensation, which does not warrants any interference by this Court.

6. Heard on both sides. Records perused.

7. The findings of the learned Tribunal regarding the involvement of the vehicle in question, and the deceased having sustained fatal injuries which ultimately resulted in her death are not disputed. The aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

8. Now, the question arises as to whether fixing of notational monthly income of the deceased at Rs.9,000/- and future prospects at 25% by the Tribunal is appropriate and reasonable ?

9. On a perusal of the impugned order, it is seen that since no proof has been adduced by the claimants for the income of the deceased, the Tribunal had fixed the notional monthly income of the deceased at Rs.9,000/-.

However, considering the year of accident and the avocation of the deceased, this Court deems it fit to fix the monthly income of the deceased at Rs.16,000/-. Since there are three dependants, 1/3 is deducted towards the personal expenses of the deceased. Regarding the future prospects of 25% adopted by the tribunal by taking the age of the deceased at 40, it is seen from the Aadhaar card of the deceased that the date of birth of the deceased is 09.12.1982. Hence, at the time of accident, i.e., on 09.09.2022, , the deceased was aged 39 years and 9 months. Hence, applying the principles laid down in ***National Insurance Co. vs Pranay Sethi and others*** reported in ***2017 (2) TNMAC 609 (SC)***, 40% is added towards future prospects and multiplier 15 is adopted as per the judgment reported in ***2009 (2) TN MAC 1 (SC), Sarala Varma and Others vs. Delhi Transport Corporation and Others.*** Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.16,000/-

40% Future Prospects = Rs.22,400/-

Loss of dependency

= Rs.22,400/- x 12 x 15 - 1/3

= Rs.26,88,000/-

The compensation awarded by the Tribunal under the other heads are confirmed.

10. The following tabular column would show the compensation awarded by the Tribunal and by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of dependency	13,50,000/-	26,88,000/-	Enhanced
2.	Loss of estate	16,500/-	16,500/-	confirmed
3.	Funeral expenses	16,500/-	16,500/-	confirmed
4.	Loss of consortium	1,32,000/-	1,32,000/-	confirmed
	Total	15,15,000/-	28,53,000/-	Enhanced by **Rs. 13,38,000/-**

11. In the result,

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

ii.The quantum of compensation awarded by the Tribunal is enhanced to Rs.28,53,000/- from Rs.15,15,000/-.

iii. The appellants are directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

iv. The 2nd respondent/Insurance company is directed to deposit a sum of Rs.28,53,000/-(less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, to the credit of MCOP No.1079 of 2022, on the file of the Special District Court, Motor Accidents Claims Tribunal, Krishnagiri.

v. On such deposit being made, the appellants 1 and 2 is at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.

vi. The share of the minor third appellant, as apportioned by the Tribunal, with costs and interests, shall be deposited in a fixed deposit in any one of the Nationalised bank until she attains majority, and the guardian of the minor claimant is permitted to withdraw the interest amount accrued thereon once in six months.

vii. The appellants/claimants are not entitled for any interest for the default period in filing the above appeal.

16.02.2026

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Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To

1. The Special District Judge, Motor Accidents Claims Tribunal, Krishnagiri.

2. United India Insurance Company Limited,
   Branch Office, No.14, C.S.K. Complex,
   Town Panchayat Office Road, Uthangarai.

K.GOVINDARAJAN THILAKAVADI, J.

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