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C.M.A.No.58 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.01.2026

CORAM

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

C.M.A.No. 58 of 2026

G. Pandi

...Appellant

Vs.

1. P. Rajeswari

2. The Manager,

National Insurance Co. Limited,

T.S. No.3622/27, Divisional Office,

JK Plaza, 1st Floor, Santhanathapuram,

5th Street,Pudukottai 622 001.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, praying to set aside the decreetal order and judgment passed on 27.01.2025 by the II Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai, in M.C.O.P. No.6775 of 2018 and enhance the claim with interest and costs.

For Appellant

: Ms. N. Mohana Priya

For Respondents

: Mr. J. Chandran for R2

R1 – Notice dispensed with.



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JUDGMENT

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This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant / claimant for enhancement of the sum awarded by the Claims Tribunal.

2. Shortly stated, on 27.06.2018, the deceased Gomathirajan was riding his motor cycle, Honda Shine bearing Registration No.TN02 BL 5859 along with his family friend one Ockness as a pillion rider, from Trichy to Ulaga Ratchagar Devalayam at Pattukottai. At about 09.00 a.m., while crossing the Kandarovakkottai Main Road, from west to east, one private bus, namely Pandian Bus bearing Registration No.TN 49 AV 1006, belonging to the 1st respondent, came in the opposite direction, driven by its driver in a rash and negligent manner, hit the motor cycle driven by the deceased, as a result of which the said Gomathirajan and his friend died on the spot. At the time of accident, the deceased was 33 years old. Claiming the income of the deceased as Rs.33,075/- per month, a claim petition was filed by the father of the deceased for a compensation of Rs.75,00,000/- for the death of his son.



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3. The respondents alleged that the accident took place due to the rash and negligent driving of the deceased. Accordingly, the Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the driver of the offending bus and awarded compensation of Rs.19,11,300/-. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant / claimant is on appeal.

4. Ms. N. Mohana Priya, the learned counsel for the appellant / claimant contended that the Tribunal had fixed the notional monthly income of the deceased as Rs.13,700/-, which is very meagre. According to the counsel, the deceased was working as a Home Guard in Tamil Nadu Home Guard, Villivakkam Police Station, and was also doing other part time work as supervisor and tailor and was earning a sum of not not less than Rs.50,000/- per month. Hence, she prayed for enhancement of compensation awarded by the Claims Tribunal.

5. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that the learned Tribunal, after analysing the oral and documentary evidence, has awarded just compensation,



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which requires any interference by this Court.

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6. Heard on both sides. Records perused.

7. Though it is claimed by the learned counsel for the appellant that the deceased was earning not less than Rs.50,000/- per month, no documentary evidence was filed by the appellant for proof of income. In the circumstances, the Tribunal had fixed the notional monthly income of the deceased at Rs.13,700/-. However, considering the year of accident, this Court deems it fit to fix the income of the deceased at Rs.16,000/- per month. Since the age of the deceased at the time of accident was 33, the proper multiplier would be 16 and future prospects should be taken at 40%. Since the deceased died as a bachelor, 50% is deducted towards his personal expenses. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.16,000/-

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

After 1/2 deduction = Rs.11,200/-

Loss of dependency

= Rs.11,200/- x 12 x 16

= Rs.21,50,400/-



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Apart from the above, the compensation awarded by the Tribunal under the heads of loss of consortium, funeral expenses and loss of estate are increased to Rs.44,000/-, Rs.16,500/- and Rs.16,500/- respectively.

8. Considering the facts and circumstances of the case, the compensation awarded by the Tribunal, under various heads, is modified by this Court as follows:

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of Income	18,41,280/-	21,50,400/-	enhanced
2.	Consortium	40,000/-	44,000/-	enhanced
3.	Funeral Expenses	15,000/-	16,500/-	enhanced
4.	Loss of Estate	15,000/-	16,500/-	confirmed
	Total	19,11,280/- Rounded off to 19,11,300/-	22,27,400/-	Enhanced by 3,16,100/-



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9. 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.22,27,400/- from Rs.19,11,300/-.
- iii. The appellant / claimant is 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.22,27,400/- (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 M.C.O.P. No.6775 of 2018 on the file of the II Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.



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v. On such deposit being made, the claimant is at liberty to withdraw the same with costs and interest, after filing a proper petition for withdrawal. Interest for default period, if any, is waived.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. II Judge, Court of Small Causes, Motor Accident Claims Tribunal,
Chennai.

2. The Section Officer,

VR Section,

High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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