IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.Nos.2343 of 2025 and 1 of 2026
and C.M.P.No.13 of 2026

C.M.A.No.2343 of 2025

1. Sundari
2. Baskar
3. Priyadarshini ... Appellants

Versus

1.M. Ajith Kumar
2.SBI General Insurance Company Limited
3rd Floor, A Block, Good Shephered Square,
No. 82, Kodambakkam High Road,
Nungambakkam, Chennai 600 034. ...Respondents

C.M.A.No. 1 of 2026

SBI General Insurance Company Limited
3rd Floor, A Block, Good Shephered Square,
No. 82, Kodambakkam High Road,
Nungambakkam, Chennai 600 034.
...Appellant

Versus

1. Sundari
2. Baskar
3. Priyadarshini
4. M. Ajith Kumar ...Respondents

COMMON PRAYER: Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, 1988, against the Award made in M.A.C.T.O.P.No. 2343 of 2022, dated 29.08.2024, on the file of the Motor Accident Claims Tribunal, (III Court of Small causes), Chennai.

C.M.A.No.2343 of 2025

For Appellants : Ms. M. Malar
For Respondents : Mr.K. Vinod for R2
No appearance for R1

C.M.A.No.1 of 2026

For Appellant : Mr.K. Vinod
For Respondents : Ms. M. Malar for R1 to R3

COMMON JUDGMENT

C.M.A.No.2343 of 2025 is preferred by the claimants, for enhancement of compensation in M.A.C.T.O.P.No. 2343 of 2022, on the file of the Motor Accident Claims Tribunal, (III Court of Small causes), Chennai.

2. C.M.A.No.1 of 2026 is filed by the SBI General Insurance Company Limited, Challenging the judgment and decree passed in the same M.A.C.T.O.P.

3. Claiming compensation of Rs.49,00,000/- for the death of the deceased Sathish in a road accident that took place on 15.05.2022, the legal heirs of the deceased filed the above claim petition.

4. According to the claim petitioners, on 15.05.2022, at about 12.45 p.m. when the deceased was riding as a pillion rider in a motor cycle bearing Registration No.TN-12-AJ-3111at CTH Main Road, a TATA SFC 407 (Goods Vehicle) bearing Registration No. TN-18-F-7926 belonging to the 1st respondent, came in the opposite direction, which was driven in a rash and negligent manner, dashed against the two wheeler in which the deceased was travelling, as a result of which,the deceased fell down and sustained multiple grievous injuries all over the body and died on the spot. According to the claimants/legal representatives of the deceased, the said accident happened due to the negligence on the part of the 1st respondent who is solely responsible for the same.

5. The 2nd respondent/Insurance Company alleged that the accident took place due to the rash and negligent riding of the rider of the two wheeler in which the deceased was travelling. Accordingly, the Claims

Tribunal framed necessary issues and came to the conclusion that the accident took place as alleged and claimants are entitled to claim compensation. A compensation of Rs.31,77,000/- was awarded by the Tribunal. Challenging the same, both the claimants and the Insurance Company are on appeal.

6. Ms. M. Malar, learned counsel appearing for the claimants in C.M.A.No.2343 of 2025 would submit that the deceased was a carpenter in Freelancer earning a sum of Rs.30,000/- per month. However, the Tribunal had fixed monthly income of the deceased at Rs.15,000/-, which is very meagre and the same has to be suitably enhanced. She would further submit that the Tribunal deducted 1/3 of the income of the deceased, who was a bachelor, as his personal expenses instead of 50%, Hence, the claimants made a letter of understanding dated 05.03.2025,in which both the parties (Insurance Company and the claimants) accepted to deduct the personal expenses of the deceased at 50% of his income and reserved their rights to prefer an appeal on other aspects of the order of the Tribunal. Hence prayed for enhancement of compensation awarded by the Tribunal.

7. Per Contra, Mr. K.Vinodh, learned counsel appearing for the Insurance Company in C.M.A.No.1 of 2026 would contend that the tribunal erred in deducting 1/3 towards the personal expenses of the deceased instead of 50%, as the deceased was a bachelor. He would further contend that the compensation awarded by the Tribunal under the other heads are also on the higher side. Hence, prayed for setting aside the award passed by the Tribunal.

8. Heard on both sides. Records perused.

9. Though it is claimed by the learned counsel for the appellant that the deceased was earning a sum of Rs.30,000/- 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.15,000/-. However, considering the year of accident, this Court deems it fit to fix the income of the deceased at Rs.18,500/- per month. Since the age of the deceased at the time of accident was 24, the proper multiplier would be 18 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.18,500/-

40% Future prospects = Rs.25,900/-

After 1/2 deduction = Rs.12,950/-

Loss of dependency

= Rs.12950/- x 12 x 18

= Rs.27,97,200/-

Under the other heads, the tribunal has awarded just compensation and the same is upheld.

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

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of dependency	30,24,000/-	27,97,200/-	**reduced**
2.	Loss of Consortium	1,20,000/-	1,20,000/-	confirmed
3.	Funeral Expenses	16,500/-	16,500/-	confirmed

4.	Loss of Estate	16,500/-	16,500/-	confirmed
	Total	31,77,000/-	29,50,200/-	

11. In the result,

i. C.M.A. No.2343 of 2025 and C.M.A. No.1 of 2026 are partly allowed. No costs. Consequently connected miscellaneous petition is closed.

ii. The compensation awarded by the Tribunal is scaled down to 29,50,200/- from Rs.31,77,000/-.

iii. The second respondent / Insurance Company in C.M.A. No.2343 of 2025 is directed to deposit the compensation amount as stated above (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of Motor Accident Claims Tribunal, (III Court of Small causes), Chennai. within a period of four weeks from the date of receipt of a copy of this order/uploading of this order. The appellant in C.M.A.No.1 of 2026 / Insurance Company is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.

iv.On such deposit being made, the appellants in C.M.A. No.2343 of 2025/claimants are at liberty to withdraw the same, as per the apportionment made by the tribunal, after following due process of law.

05.02.2026

bga
Index: Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

To:

1. The III Judge, Court of Small causes,
   Motor Accident Claims Tribunal, Chennai.
2. SBI General Insurance Company Limited
   3rd Floor, A Block, Good Shephered Square,
   No. 82, Kodambakkam High Road,
   Nungambakkam, Chennai 600 034.
3. The Section Officer,
   VR Section,
   High Court, Madras.

K.GOVINDARAJAN THILAKAVADI,J.

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**C.M.A.Nos.2343 of 2025 and 1 of 2026
and C.M.P.No.13 of 2026**

05.02.2026