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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.01.2026**

**CORAM :**

**THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.M.A.No.3820 of 2025**

1. V. Karthikeyan

2. V. Udhayakumari

... Appellants

Versus

1. R. Velmani

2. R. Shanmugam

3. ICICI Lombard Gen., Ins., Co., Ltd.,  
No. 84/85, 1<sup>st</sup> floor, Arihant Plaza  
Waltax Road, Chennai 600 003

... Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.8127 of 2018, dated 16.12.2022, on the file of the II Court, Motor Accident Claims Tribunal (Court of Small Cause, Chennai).

|                |                                   |
|----------------|-----------------------------------|
| For Appellants | : Mr. T.G. Ravichandran, A. Amala |
| For R1 & R2    | : Notice Dispensed with           |
| For R3         | : Mr. P. Suresh Srinivasan        |



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## **JUDGMENT**

This Civil Miscellaneous Appeal is directed against the award of the II Court, Motor Accident Claims Tribunal (Court of Small Cause, Chennai) in M.C.O.P.No.8127 of 2018, dated 16.12.2022.

2. Briefly stated, on 15.05.2018, at about 16:10 hours, the deceased, Kavitha, was travelling as a Pillion rider in a motor cycle bearing Reg.No.TN 04 Q 6576, towards Pallikaranai in Velachery Main Road, Metro train flyover bridge. At that time, the rider of the said two wheeler, drove the vehicle in a rash and negligent manner endangering public safety and lost his balance, fell from the vehicle thereby causing the accident which lead to the death of Kavitha with multiple grievous injuries. The deceased, Kavitha was aged about 42 years at the time of the accident. She was working as a Tailor and was earning a sum of Rs. 15,000/- per month.

3. The claimants are the son and daughter of the deceased, who filed a claim petition before the Claims Tribunal. A sum of Rs.24,00,000/- was claimed as compensation. The Tribunal has fixed the income of the deceased as Rs.6,000/- per



month, while the deceased was earning Rs.15,000/- per month as claimed by the claimants. Challenging the said award, the appellants are before this Court.

4. The learned counsel for the 3<sup>rd</sup> respondent/Insurance Company has submitted that the accident occurred only due to the fault of the deceased, who fell down from the vehicle and no negligence can be attributed on the part of the 1<sup>st</sup> Respondent/rider therefore, respondents are not liable for payment of any compensation to the appellants. The learned counsel would further submit that the petition ought to have been dismissed as it is misconceived and devoid of merits.

5. Heard both sides. Records perused.

6. Considering the facts and circumstances of the case, the year of accident and the plight of the claimants, this Court deems it fit to fix the notional income of the deceased as Rs.14,000/- per month and add 25% towards future prospects making the total compensation towards loss of income, after deducting 1/3<sup>rd</sup> from notional income, at Rs. 19,59,888/- ( $17500 \times \frac{2}{3} \times 12 \times 14$ ) rounded off as Rs.19,60,000/-



7. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, as follows:

| S.No. | Description        | Amount awarded by Tribunal (Rs.) | Amount awarded by this Court (Rs.) | Award confirmed or enhanced or granted |
|-------|--------------------|----------------------------------|------------------------------------|----------------------------------------|
| 1.    | Loss of Dependency | 8,40,000                         | 19,60,000                          | Enhanced                               |
| 2.    | Loss of Consortium | 88,000                           | 80,000<br>(40,000 X 2)             | Reduced                                |
| 3.    | Loss of Estate     | 16,500                           | 15,000                             | Reduced                                |
| 4.    | Funeral Expenses   | 16,500                           | 15,000                             | Reduced                                |
|       | <b>TOTAL</b>       | <b>9,61,000/-</b>                | <b>20,70,000/-</b>                 | <b>Enhanced by Rs.11,09,000/-</b>      |

8. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed and no costs, it is held that the appellants shall be entitled to a compensation of Rs.20,70,000/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.

(ii) The 3<sup>rd</sup> Respondent is directed to pay the above said compensation amount, now determined by this Court to the appellants along with interest and costs, less the amount already deposited, if any, within a period of **twelve (12) weeks** from



the date of receipt of copy of this judgment. The claimants are not entitled to claim any interest for the default period in filing this appeal as per order of this Court dated 27.11.2025.

(iii) On such deposit, the appellants are permitted to withdraw their share as per the apportionment made by the Tribunal along with interest and cost, less the amount already withdrawn, if any.

**08.01.2026**

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

**To:**

1.The II Judge,(Court of Small Cause),  
The Motor Vehicle Accident Tribunal,  
Chennai

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

**K.GOVINDARAJAN THILAKAVADI,J.**



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