



C.M.A.No.440 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2026

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.440 of 2026

1.Ariyan
2.Vijaya
3.Ammasi

... Appellants / Petitioners

vs.

1.Dhareppa Ummannavar

2.Reliance General Insurance Company Limited,
Branch Office at CTS 472, 474, V A Kalburgi Square,
Desai Cross,
Deshpande Nagar, Hubli Dharwad,
Karnataka-580 029.

3.P.Prakash

4.The Oriental Insurance Company Ltd.,
Branch Office,
No.3-L, Siddhaveerappa Chetty Street,
Dharmapuri, Tamil Nadu.

... Respondents / Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Fair Order dated 22.12.2021 passed in M.C.O.P.No.535 of 2020 on the file of Special District Court(to deal with M.C.O.P.Cases), Krishnagiri.

For Appellants : Mr.S.Udayakumar

For Respondents : R1 and R3 Notice Dispensed With
Mr.P.Suresh Srinivasan for R2
Mr.K.Swaminathan for R4



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JUDGMENT

WEB COPY Not satisfied with the quantum of compensation granted in Award dated 22.12.2021 passed in M.C.O.P.No.535 of 2020 on the file of Special District Court (to deal with M.C.O.P. cases), Kirshnagiri, dependents of the deceased Ajith, have preferred this Civil Miscellaneous Appeal for enhancement of compensation.

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, by the dependents of the deceased Ajith, claiming compensation of Rs.50,00,000/- for the death of Ajith, in a road traffic accident that occurred on 04.12.2019.

4. At trial, to substantiate the claim, on the claimant side, two witnesses have been examined and seventeen documents have been marked. On the side of the 4th respondent/Insurance Company, owner-cum-driver of the lorry has been examined as RW1(Tr.Prakash).



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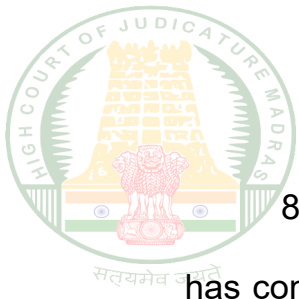
5. The Tribunal upon consideration of entire oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.14,90,800/- with 7.5% interest per annum from the date of claim petition. The amounts awarded under various heads are given hereunder:-

Towards Loss of Dependency - Rs.13,60,800/-; Towards loss of Estate and for Funeral Expenses – Rs.15,000/- under each head; Towards loss of consortium – Rs.1,00,000/- in toto Rs.14,90,800/- was granted.

6. The learned Counsel for the appellants / claimants would strenuously argue that deceased was working as a lorry cleaner and earning a sum of Rs.30,000/- p.m., but the Tribunal has assumed the notional income of the deceased at Rs.9,000/- p.m., is less and sought for enhancement of compensation.

7. Per contra, the learned counsel for the 2nd respondent/Insurance Company would vehemently contend that taking note of the age, avocation, income of the deceased and the other attending circumstances the notional income of the deceased taken by the Tribunal is quite reasonable and according to him it does not warrant any interference by this Court.

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

has come on record through the evidence of PW1 that the deceased was working as lorry cleaner and earning a sum of Rs.20,000/- p.m., at the relevant point of time. To substantiate the income details of the deceased, copy of Course completion Certificate in Diploma in Electronics and Communications Engineering (ECE) issued by Government Polytechnic, Krishnagiri is marked as Ex.P13. Ex.P21 is the copy of the application for the selection by Indian Army Services. These two documents will not help the claimants in fixing the notional income of the deceased. However, this Court deems fit to fix the notion income of the deceased at Rs.12,000/- p.m.. As regards the age of the deceased, as per copy of the post-mortem certificate Ex.P2, age of the deceased is taken as 22 years.

9. As held in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in ***2017 (2) TN MAC 609(SC)***, standard addition is required to be added with the notional income of the deceased as future prospects while computing the loss of dependency as 40%. Claimants are parents and brother of the deceased.

10. As held in ***Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another*** reported in ***2009 (2) TN MAC 1 (SC)***, 1/3rd has

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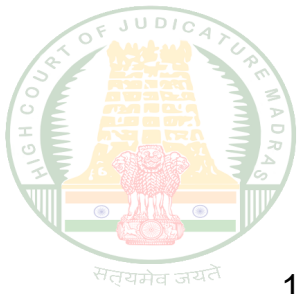
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to be deducted towards personal and living expenses. The relevant multiplier to be selected is 18m. Based on the aforestated details, for computing loss of dependency, following formula emerges :-

$$\text{Rs.12,000/-} + 40\% - 1/3 \times 12 \times 18\text{m} = \text{Rs.24,19,200/-}.$$

11. Towards loss of consortium Rs.20,000/- is granted in addition to the amount already granted. As regards other heads, the amounts 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 hereunder:-

Sl. No.	Description-	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	Towards Loss of Dependency	Rs.13,60,800/-	Rs.24,19,200/-	Enhanced
2	Towards Loss of Consortium	Rs. 1,00,000/-	Rs. 1,20,000/-	Enhanced
3	Towards Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	Towards Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
	Total	Rs.14,90,800/-	Rs.25,69,200/-	
	Rounded of as		Rs.25,69,000/-	



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12. Thus, the compensation awarded by the Tribunal is enhanced from Rs.14,90,800/- to **Rs.25,69,000/-** which would carry interest at the rate of 7.5% per annum from the date of claim petition.

13. In the result,

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

(ii) The compensation awarded by the Tribunal is enhanced from Rs.14,90,800/- to **Rs.25,69,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.25,69,000/-** (less the amount already deposited if any) together with 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.535 of 2020 on the file of the Special District Court (to deal with M.C.O.P.Cases), Krishnagiri, within a period of eight weeks from the date of receipt of a copy of this Judgment.

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

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

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

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

To:

1. The Motor Accident Claims Tribunal,
Special District Court, Krishnagiri.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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