



WEB COPY

CMA No. 2573 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.2573 of 2025

1. Lad Devi,
W/o. Late Ladulal Jain,
Res. at No. 3101, 3rd Block,
Jain Tera Panth Nagar,
Tattankulam Road,
Madavaram,
Chennai -600 060.
2. Reka,
D/o. Late Ladulal Jain,
Res. at No. 3101, 3rd Block,
Jain Tera Panth Nagar,
Tattankulam Road,
Madavaram,
Chennai 600 060.
3. Aashish,
S/o. Late Ladulal Jain,
Res. at No. 3101, 3rd Block,
Jain Tera Panth Nagar,
Tattankulam Road,
Madavaram,
Chennai 600 060.
4. Tej Bai,
W/o. Late Kanhyalal Jain,
Res. at No. 3101, 3rd Block,
Jain Tera Panth Nagar,
Tattankulam Road,
Madavaram,
Chennai 600 060.

..Appellant(s)



Vs

1. National RoadLines,
No. 10, Thiruvika Street,
Manavalanagar,
Thiruvallore District,
Tamil Nadu - 602 002.
2. Chola MS General Insurance Company Ltd.,
No. 163, Thambu Chetty Street,
Hari Niva Towers, 2nd Floor,
Parrys,
Chennai 600 001.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal by enhancing the compensation awarded in the Judgment and Decree dated 13.09.2024 passed in M.C.O.P.No. 3701 of 2022 on the file of the learned IV Judge, Small Causes Court, Motor Accident Claims Tribunal, Chennai.

For Appellant(s): Mr.K.Balaji

For Respondent(s): Mr. N. Vijaya Raghavan
for R2

R1 – Notice dispensed with

Judgment

This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 13.09.2024 made in M.C.O.P. No.3701 of 2022 on the file of the Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai, seeking enhancement of compensation awarded by the Tribunal.



2.The appellants are the wife, children and mother of the deceased Ladulal Jain, who died in a road accident that occurred on 23.05.2022 at about 4.45 p.m. According to the claimants, the deceased was riding his motorcycle when a bus bearing Registration No.TN-20-DC-4738, driven in a rash and negligent manner, dashed against the motorcycle. Due to the impact, the deceased sustained fatal injuries and died. The legal heirs of the deceased claim petition before the Motor Accident Claims Tribunal claiming a compensation of Rs.30,00,000/- for the death of the deceased.

3.After considering the oral and documentary evidence, the Tribunal held that the accident occurred due to the negligence of the bus driver and awarded a total compensation of Rs.12,03,000/- with interest at 7.5% per annum payable by the Insurance Company. Not satisfied with the quantum of compensation awarded, the claimants have filed the present appeal seeking enhancement of compensation.

4.The learned counsel appearing for the appellants submitted that the Tribunal erred in fixing the monthly income of the deceased at Rs.16,000/-, which is very low and contrary to the evidence on record. It is further submitted that the deceased was running a Jewellery Shop and earning around Rs.35,000/- per month. The claimants have also produced Income Tax Returns before the



Tribunal to substantiate the income of the deceased. However, the Tribunal failed to properly appreciate the said evidence and wrongly fixed the notional income. The learned counsel further contended that the compensation awarded under various heads is inadequate and not in consonance with the principles laid down by the Hon'ble Supreme Court. Therefore, the learned counsel prayed that the monthly income of the deceased may be reasonably fixed and the compensation enhanced suitably.

5.Per contra, the learned counsel appearing for the second respondent / Insurance Company submitted that the Tribunal has considered all the materials available on record and awarded just and reasonable compensation. It is further contended that the claimants have not produced sufficient documentary evidence to prove that the deceased was earning Rs.35,000/- per month from jewellery business. Therefore, the Tribunal rightly fixed the notional income. Hence, the learned counsel prayed that the award passed by the Tribunal does not warrant interference by this Court.

6.This Court has carefully considered the submissions made on either side and perused the materials available on record.

7.The claim petition was filed by the appellants, who are the wife, children and mother of the deceased, seeking compensation for the death of



Ladulal Jain in the motor accident that occurred on 23.05.2022. The Tribunal, upon appreciation of the oral and documentary evidence, came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the bus bearing Registration No.TN-20-DC-4738 and held the Insurance Company liable to pay compensation. The said finding with regard to negligence and liability has not been seriously disputed before this Court. Therefore, the only issue that arises for consideration in this appeal is whether the compensation awarded by the Tribunal is just and reasonable or requires enhancement. The Tribunal has awarded a total compensation of Rs.12,03,000/-. The main grievance of the appellants is that the Tribunal fixed the monthly income of the deceased at Rs.16,000/-, ignoring the evidence available on record. According to the claimants, the deceased was running a Jewellery Shop and was earning about Rs.35,000/- per month. In support of the said contention, the claimants produced Income Tax Returns, which were marked before the Tribunal. However, the Tribunal held that the said document was not supported by other documentary evidence regarding the jewellery business and therefore fixed the notional income at Rs.16,000/- per month. In the considered opinion of this Court, the approach adopted by the Tribunal in fixing the income of the deceased appears to be on the lower side. Even in the absence of strict proof of income, the Court is required to fix a reasonable income taking into account the nature of avocation, age of the deceased and the year of accident. The accident in the present case occurred in the year 2022.



Having regard to the cost of living and the nature of business carried on by the deceased, this Court is of the view that fixing the monthly income at Rs.25,000/- would be just and reasonable. The deceased had left behind four dependants, namely the wife, two children and the mother. Therefore, as per the principles laid down by the Hon'ble Supreme Court, one-fourth of the income has to be deducted towards personal and living expenses of the deceased. Accordingly, the calculation would be as Rs.15,75,000/- [Rs.25,000 x $\frac{1}{4}$ x multiplier 7 x 12] towards pecuniary loss. Further, this Court awards Rs.1,76,000/- (Rs.44,000 x 4) under the head of loss of love and affection, Further, this Court awards Rs.16,500/- towards funeral expenses, Rs.16,500/- towards loss of estate, and Rs.5,000/- towards transportation charges. Thus, the compensation payable to the appellants is recalculated as follows:

<u>Sl.No</u>	<u>Head of Compensation</u>	<u>Amount</u>
1	Pecuniary Loss (Loss of Dependency)	-Rs.15,75,000/-
2	Loss of Love and Affection	-Rs.1,76,000/-
3	Funeral Expenses	-Rs.16,500/-
4	Loss of Estate	-Rs.16,500/-
5	Transportation	-Rs.5,000/-

Total Compensation		-Rs.17,89,000/-



8. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.17,89,000/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No. 3701 of 2022 on the file of the learned IV Judge, Small Causes Court, Motor Accident Claims Tribunal, Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default period. On such deposit, the claimants are permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPS



To

1.The IV Judge,
Small Causes Court,
Motor Accident Claims Tribunal,
Chennai.

2.The Section Officer,
V.R. Section,
Madras High Court.



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K.GOVINDARAJAN THILAKAVADI J.

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