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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3649 of 2026

CNR: {HCMA011917582026}

1. Sathya

2. Senthil

Case QR

..Appellant(s)

Vs

1. Saveetha Institute of Medical and Science
   No.1, Saveetha Nagar, Sriperumpudur,
   Thandalam,
   Thiruvalore - 602 105.

2. Bajaj Allianz General Insurance Company Limited
   No.497 and 498, Ishana Kattama Buildings,
   4th Floor,
   Poonamallee High Road, Arumbakkam,
   Chennai 600 106

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to allow this Civil Miscellaneous Appeal by enhancing the compensation awarded in the judgment and Decree, dated 04.11.2024, passed in MCOP.No.5776 of 2022, on the file of the Motor Accident Claims Tribunal (In the Chief Judge, Court of Small Causes, Chennai).

For Appellant(s): K.Balaji

For Respondent(s): Ms.R.Sreevidhya, for R2

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JUDGMENT

Unsuccessful claimants have preferred this Civil Miscellaneous Appeal seeking enhancement of compensation, vide award dated 04.11.2024 made in MCOP.No.5776 of 2022 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, for the death of one Sathish, who died in a road accident that took place on 25.11.2022. The claimants are mother and father of the deceased Sathish.

3. According to the claimants, on 25.11.2022 at about 9.05 a.m., while the deceased was walking along Poonamallee High Road at Maduravoyal Kannappar Mess opposite in order to cross the road from North to South direction in a crossing area, at that time a bus bearing registration No.TN 87 B 0693 driven by its driver in a rash and negligent manner from West to East direction and hit the deceased and ran over which resulted in the death of the deceased Sathish.

4. The first respondent was called absent and was set *ex parte* before the Tribunal.

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5. The second respondent / Insurance Company has filed counter statement wherein they denied the manner of accident.

6. Before the Tribunal, on behalf of the claimants, the first claimant was examined herself as PW1 and one eyewitness Mr.Murugan was examined as P.W.2, and Ex.P1 to Ex.P11 were marked. On behalf of the second respondent, one Mr.Ashok Kumar, Deputy Manager in second respondent's Company was examined as R.W.1 and Exs.1 to 3 were marked.

7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only due to rash and negligent act of the driver of the offending vehicle. The first respondent, being the owner and the second respondent, being insurer of the offending vehicle, are jointly and severally liable to compensate the claimants for the death of the deceased.

8. With regard to quantum of compensation, the Tribunal considered the age of the deceased was 19 years at the time of accident, in the absence of proof of monthly income, fixed a sum of Rs.16,000/- per month as notional income of the deceased, added 40% towards future prospects of the deceased, deducted 50% income of the deceased towards personal and living expenses of the deceased, applied multiplier '18' and awarded a sum of Rs.24,19,200/- as

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compensation under the head of Loss of dependency. The Tribunal also awarded compensation under various heads as hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Towards Loss of income/ dependency (Rs.22,400/- x 12 x 18 x1/2)	24,19,200/-
2.	Towards Loss of estate	16,500/-
3.	Towards Loss of Consortium (Rs. 44,000 x 2)	88,000/-
4.	Towards Funeral expenses	16,500/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-
	Total	**25,50,200/-**

Rounded off to Rs.**25,50,000/-**

9. Aggrieved over the same, the claimants have preferred this present appeal seeking for enhancement of compensation.

10. The learned counsel for the appellants / claimants would submit that the Tribunal erroneously fixed the monthly income of the deceased as Rs.16,000/- without any basis. The learned counsel would further submit that the Tribunal failed to consider the fact that the deceased was working in Subbarao Appear Export Maduravoyal, Chennai and was earning Rs.20,000/- per month.

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11. *Per contra,* learned counsel for the second respondent / Insurance Company would submit that in the absence of proof of monthly income, the Tribunal has rightly fixed a sum of Rs.16,000/- as notional monthly income of the deceased, which does not requires any interference.

12. This Court considered the submissions made on either side and perused the entire materials available on record.

13. There is no dispute with regard to the manner of accident and negligence fixed on the part of the driver of the offending vehicle. The grievance of the claimants is that fixation of notional monthly income of the deceased has to be enhanced. It is relevant to note that perusal of Ex.P2 - Death Report and the perusal of Ex.P3 - Post Mortem certificate reveal that the age of the deceased was 19 years. The date of accident was 25.11.2022, the age of the deceased at the time of accident was 19 years. According to the claimants, the deceased was working in Subbarao Appear Export Maduravoyal, Chennai and was earning Rs.20,000/- per month. To substantiate their claim, the claimants have not produced any documents. In the absence of proof of income, the Tribunal fixed a sum of Rs.16,000/- per month as notional income of the deceased.

13.1.It is relevant to note that the accident took place on 25.11.2022, at

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that time the age of the deceased was 19 years, that the claimants are the parents of the deceased and considering the cost of living at that time, Rs.16,000/- per month appears to be very meager and this Court is inclined to fix a sum of Rs.18,500/- as notional monthly income of the deceased, which would meets the end of justice. By applying ratio laid down by the Hon'ble Supreme Court in *National Insurance Company Ltd vs Pranay Sethi and Others* reported in *2017(2) TNMAC 758* considering the age of the deceased, 40% added towards future prospects of the deceased and considering the number of dependents on the income of the deceased, 50% deducted towards personal and living expenses of the deceased and applying the multiplier '18', the amount awarded by the Tribunal under the head loss of dependency would be modified as hereunder :

Calculation :

Notional income	: Rs.18,500/-
Future prospects	: 40% (Rs.18,500/- + 40% = 25,900/-)
Multiplier by 9	: Rs.25,900/- x 12 x 18 x 1/2= Rs.27,97,200 /-

The quantum of compensation awarded by the Tribunal on other heads are reasonable and proper and does not require any interference.

14. The following tabular column would show the enhanced amount awarded by this Court under the head of loss income.

S.No	***Heads***	***Amount awarded by this Court***
1.	Towards Loss of dependency	27,97,200/-

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S.No	*Heads*	*Amount awarded by this Court*
	(Rs.25,900/- x 12 x 18 x1/2)	
2.	Towards Loss of estate	16,500/-
3.	Towards Loss of consortium (Rs.44,000/- x 2)	88,000/-
4.	Towards Funeral expenses	16,500/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-
	Total	**29,28,200/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs. 29,28,200/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

16. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to **Rs. 29,28,200/-.**

iii. The appellants / claimants are directed to pay the court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after the receipt of Court fee.

iv. The second respondent, the Insurance Company, is directed to deposit the enhanced compensation amount of **Rs. 29,28,200/-** (less the amount already deposited) together with interest at the rate of 7.5% per annum

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from the date of claim petition till the date of deposit to the credit of MCOP No.5776 of 2022 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order. As per order of this Court in CMP No.22356 of 2026 dated 13.10.2026, the claimants are not entitled for any interest on the enhanced compensation for the delay period, if any

v. On such deposit being made, the claimants are at liberty to withdraw the same on filing appropriate application before the Tribunal. The ratio of apportionment made by the Tribunal shall be kept intact.

vi. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal.

04-11-2026

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

jv

To
1. Motor Accident Claims Tribunal
The Chief Judge, Court of Small Causes,
Chennai.

2. The Section Officer,
V.R.Section,
High Court, Madras 600 104.

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M.JOTHIRAMAN, J.

jv

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