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C.M.A.No.2701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 2701 of 2023

E. Geetha

...Appellant

Vs.

1. P. Murthy

2. ICICI Lombard General Insurance Company Limited,

1st Floor, Arihant Plaza

No.84 & 85, Waltax Road,

Chennai 600 003.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 03.06.2023 made in M.C.O.P. No.5891 of 2017 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes, Chennai.

For Appellant : Mr. K. Varadha Kamaraj

For Respondents : Mr. M. Jayaraj for R2

R1 – Notice dispensed with



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JUDGMENT

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This appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant / claimant for enhancement of the sum awarded in M.C.O.P. No.5891 of 2017 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai.

2. Shortly stated, on 25.05.2017 at about 19.45 hours, while the deceased E. Sureshkumar was standing for crossing on the left side of E.C.R. Road, near Nemmeli Dharga, a car bearing Registration No. TN-07-CB-4375 came from Pondy to Chennai, driven by its driver with very high speed in a negligent manner, dashed against the deceased, as a result of which, the deceased sustained fatal injuries and died on the spot. Alleging that the accident took place due to the rash and negligent driving of the driver of the car, the mother of the deceased filed the Claim Petition claiming Rs.30,00,000/- for the death of her son.

3. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the driver of the offending car and awarded compensation of Rs.19,26,400/-.



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Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant / claimant is on appeal.

4. Mr. K. Varadha Kamaraj, the learned counsel for the appellant / claimant contended that though the deceased was a two wheeler Mechanic earning a sum of Rs.15,000/- per month, the Tribunal had fixed the notional monthly income of the deceased as Rs.13,000/-, which is very meagre. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.

5. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that the learned Tribunal, after analysing the oral and documentary evidence, has awarded just compensation, which requires any interference by this Court.

6. Heard on both sides. Records perused.

7. Though it is claimed by the learned counsel for the appellant that the deceased was earning a sum of Rs.15,000/- per month, no documentary



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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.13,000/-. However, considering the year of accident, this Court deems it fit to fix the income of the deceased at Rs.14,500/- per month. Since the age of the deceased at the time of accident was 28, the proper multiplier would be 17 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.14,500/-

40% Future prospects = Rs.20,300/-

After 1/2 deduction = Rs.10,150/-

Loss of dependency

= Rs.10,150/- x 12 x 17

= Rs.20,70,600/-

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

8. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court under various heads.



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S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of Income	18,56,400/-	20,70,600/-	enhanced
2.	Consortium	40,000/-	40,000/-	confirmed
3.	Funeral Expenses	15,000/-	15,000/-	confirmed
4.	Loss of Estate	15,000/-	15,000/-	confirmed
	Total	19,26,400/-	21,40,600/-	Enhanced by 2,14,200/-

9. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced to 21,40,600/- from Rs.19,26,400/-.
- The appellant / claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- The second respondent / Insurance Company is directed to deposit the enhanced compensation amount as stated above (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

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M.C.O.P. No.5891 of 2017 on the file of the 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.

- v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

02.02.2026

bga

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1. Motor Accident Claims Tribunal (III Court of Small Causes), Chennai.
2. The Section Officer,
VR Section,
High Court, Madras.
3. ICICI Lombard General Insurance Company Limited,
1st Floor, Arihant Plaza
No.84 & 85, Waltax Road,
Chennai 600 003.

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