



WEB COPY

CMA No. 3676 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-02-2026**

CORAM

**THE HON'BLE MR JUSTICE N. SATHISH KUMAR**

**AND**

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**CMA No. 3676 of 2025**

1. S.Dhivya  
W/o.Sakthivel,
2. P.Premavathi  
W/o.Palanivel

..Appellant(s)

Vs

1. J.Chandrasekaran  
S/o.Jayaraman,
2. Royal Sundaram Alliance Insurance Co.Ltd  
Subramaniam Building,  
II Floor, I Club House Road,  
Annasalai, Chennai 2.

..Respondent(s)

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to enhance the compensation amount passed in M.A.C.T.O.P.NO.2091/2016 dated 19.11.2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Cuddalore.



For Appellant(s): Mr. S.N.Subramani

For Respondent(s): Mr. M.B.Raghavan,  
for R2

### **JUDGMENT**

**(Judgment of the Court was delivered by N.Sathish Kumar J.)**

The Civil Miscellaneous Appeal has been filed by the claimants seeking enhancement of compensation awarded by the Tribunal in the award dated 19.11.2018 made in M.C.O.P.No.2091 of 2016 on the file of Motor Accident Claims Tribunal, Special Sub Court, Cuddalore.

2. According to the claimants, on 17.03.2016, at about 9.00 hours, the deceased, aged about 29 years, was riding his TVS Scooty bearing Registration No.TN-51-M-3119 from North to South on the Chidamabram-Mayiladuthurai By-pass road at a moderate speed, keeping to the extreme left side of the road. When he nearing the Brick Kiln Shed of Venkatesan at Melasengamedu, the driver of the lorry bearing Registration No.TN 32 H 9085 drove the vehicle in a rash and negligent manner and dashed against the Scooty. Due to the impact, the deceased sustained grievous injuries and succumbed to the same on the spot.



At the time of the accident, the deceased was employed in a private concern and was earning a sum of Rs.15,000/- per month. The claimants are the wife and mother of the deceased.

3. The first respondent, who is the owner of the offending vehicle, remained exparte before the Tribunal.

4. The second respondent/Insurance Company filed a counter statement denying the manner of accident and contended that the deceased had not worn a helmet at the time of accident. The Scooty driven by the deceased was not insured as required under law. Therefore, the second respondent/Insurance Company is not liable to pay any compensation to the claimants. The compensation claimed by the claimants is excessive and prayed for dismissal of the claim petition.

5. Before the Tribunal, on the side of the claimants, P.W.1 to P.W.3 were examined and Exs.P.1 to P.11 were marked. On the side of the respondents, no oral and documentary evidence has been adduced.



WEB COPY

6. The Tribunal, after considering the pleadings, and the oral and documentary evidence available on record, awarded a sum of Rs.17,22,400/- as compensation and directed the second respondent/Insurance Company to pay the said amount to the claimants.

7. Not being satisfied with the quantum of compensation awarded by the Tribunal, the claimants have filed the present appeal seeking enhancement of compensation.

8. The learned counsel appearing for the appellants/claimants would submit that the deceased was selected for the post of Junior Assistant through the Tamil Nadu Public Service Commission and was awaiting appointment at the relevant point of time. However, the said aspect has not been taken into consideration by the Tribunal while fixing the compensation.

9. The learned counsel appearing for the second respondent would submit that the claimants themselves have pleaded that the deceased was working in a private concern and earning a sum of Rs.15000/- per month. Though Ex.P.10

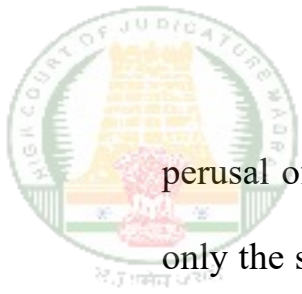


has been filed to show that the deceased was selected by Tamil Nadu Public Service Commission for the post of Junior Assistant, no material has been placed on record to show that any posting order has been issued. The Tribunal, in fact, has taken note of the basic pay of a Junior Assistant and awarded 50% towards the future prospectus. Hence, the same does not require any interference by this Court.

10. However, the learned counsel fairly submitted that no amount has been awarded towards loss of love and affection, that an additional sum of Rs.10,000/- may be granted towards loss of estate.

11. The only contention of the claimants is that since the deceased was selected as Junior Assistant by the Tamil Nadu Public Service Commission, the amount awarded by the Tribunal at Rs.33,74,800/- is not proper and the same has to be necessarily enhanced.

12. The claimants themselves have stated that the deceased was earning Rs.15,000/- at the relevant point of time and he was employed only in a private concern. Though Ex.P.10 has been filed to show that the deceased was selected as Junior Assistant by the Tamil Nadu Public Service Commission, a careful



perusal of Ex.P.10 would show that the posting order had not been issued and only the selection had been intimated. In the meantime, the deceased met with the accident on 17.03.2016. Whether any posting order has been issued thereafter has not been established and no such communication has been produced before this Court to that effect.

13. Be that as it may, the Tribunal has taken the scale of pay of a Junior Assistant as the monthly income of the deceased i.e. Rs.16,200/- and awarded 50% towards future prospects, considering the same as a permanent job, and has applied the multiplier method for computing the compensation. Hence, the amounts awarded by the Tribunal under all other the heads are just and reasonable and hence, the same are hereby confirmed. Hence, this Court does not find any infirmity in the order passed by the Tribunal.

14. However, the Tribunal has failed to award any amount towards loss of love and affection to the second appellant/mother, who lost her son at a young age. Therefore, a sum of Rs.40,000/- is awarded towards loss of love and affection. Further, the amount awarded by the Tribunal towards loss of estate is modified and granted Rs.25,000/- towards loss of estate by enhancing from



Rs.15,000/- . Thus the compensation awarded by the Tribunal is modified as follows:

| S. No | Description                                                         | Amount awarded by Tribunal<br>(Rs) | Amount awarded by this Court<br>(Rs) | Award confirmed or enhanced or granted or reduced |
|-------|---------------------------------------------------------------------|------------------------------------|--------------------------------------|---------------------------------------------------|
| 1.    | Loss of dependency                                                  | 33,04,800                          | 33,04,800                            | Confirmed                                         |
| 2.    | Loss of estate                                                      | 15,000                             | 25,000                               | Enhanced                                          |
| 3.    | Loss of consortium                                                  | 40,000                             | 40,000                               | Confirmed                                         |
| 4.    | Funeral Expenses                                                    | 15,000                             | 15,000                               | Confirmed                                         |
| 5.    | Loss of love and affection to the 2 <sup>nd</sup> appellant/ mother | --                                 | 40,000                               | Granted                                           |
|       | <b>Total</b>                                                        | <b>33,74,800</b>                   | <b>34,24,800</b>                     | <b>Enhanced by Rs.50,000/-</b>                    |

15. With the above modification, the Civil Miscellaneous Appeal is partly allowed.

i) The compensation of Rs.33,74,800/- awarded by the Tribunal is hereby enhanced to Rs.34,24,800/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.



ii) The second respondent/Insurance Company is directed to deposit the award amount as modified by this Court along with interest and costs, less the amount already deposited, if any, within a period of three weeks from the date of receipt of a copy of this judgment.

iii) On such deposit, the claimants are permitted to withdraw their respective shares of the award amount as per the apportionment fixed by the Tribunal, along with proportionate interest and costs, after adjusting the amount, if any, already withdrawn.

iv) There shall be no order as to costs.

**(N.S.K.,J.) (R.S.V.,J.)**

**23-02-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes

mrp

To

The Motor Accident Claims Tribunal,

Special Sub Court, Cuddalore.



WEB COPY

CMA No. 3676 of 2



**N.SATHISH KUMAR, J.**

**AND**

**R.SAKTHIVEL, J.**

**MRP**

**CMA No. 3676 of 2025**

**23-02-2026**