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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3585 of 2026

CNR:{HCMA012381352026}

Renuka
W/o.Murali
No.21, T.T.C.Nagar, Adhanur
Guduvancherry
Chengalpattu 603 202

Case QR

..Appellant(s)

Vs

1. K. Rajesh
   S/o.Kanagaraj
   No.54/1, Syful Mulk Street
   Pudupet, Chennai 600 002.

2. IFFCO TOKIO General
   Insurance company Ltd.,
   IFFCO Bhavan 4th Floor
   No.128, Habibullah Road,
   T.Nagar, Chennai 600 017

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to allow the Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgment and Decree dated 18-04-2024 passed in MCOP.No.3155 of 2024 on the file of the Motor Accident Claims Tribunal, Chennai (I Special Court, Small Causes Court, Chennai).

For Appellant(s): Mr.K.Balaji

For Respondent(s): M/s. S. Srinivasan For R1 and R2

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JUDGMENT

Unsuccessful claimant has preferred this appeal seeking enhancement of compensation, vide award dated 18.04.2026 made in MCOP.No.3155 of 2024, on the file of the Motor Accidents Claims Tribunal (I Special Court), Small Causes Court, Chennai. Claim Petition has been filed under Section 166 of the Motor Vehicles Act, seeking compensation by the dependent of the deceased one Murali, who died in a road accident.

2. According to the claimant, who is the wife of the deceased Murali, on 27.10.2023 at 16.10 hours, after finishing his works, while the deceased was trying to cross the GST Road, opposite to Renault Car Showroom, Vallancheri, Tambaram District, a two wheeler bearing Reg.No. TN 01 BP 4555, driven by its rider in a rash and negligent manner and dashed against the deceased, due to which the deceased sustained fatal injuries. Despite treatment at Chengalpattu Hospital, the injured Murali died.

3. The 1st respondent therein / owner of the offending vehicle was called absent and set exparte before the Tribunal.

4. The 2nd respondent therein / Insurance Company has filed a counter statement denying the manner of accident.

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5. Before the Tribunal, on behalf of the claimant, the claimant herself was examined as PW1 and one Saravanakumar, an eye witness was examined as PW3 and Exs.P1 to P14 were marked. On the side of the respondents, neither any witness was examined nor any document was marked.

6. Upon appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to rash and negligent driving of the rider of the two wheeler. The Tribunal, considering the age of the deceased was 58 years at the time of accident as evidenced from Ex.P13 - Driving Licence of the deceased, wherein his date of birth was mentioned as 20.06.1965 and in the absence of proof of income, fixed a sum of Rs.17,500/- as the monthly notional income of the deceased, added 10% towards Future Prospects, deduced 1/2th towards personal and living expenses of the deceased, applied Multiplier "9" by considering the age of the deceased and accordingly awarded compensation of Rs.10,39,500/- under the head Loss of Dependency. The Tribunal has also awarded compensation under various other heads as hereunder:

Heads of Compensation	**Amount awarded by the Tribunal (Rs.)**
Loss of Dependency [17,500 + 10% Future Prospects] =19,250 x 12 x 9 = 20,79,000 x ½	10,39,500
Loss of Consortium	48,000
Loss of Estate	18,000
Funeral Expenses	18,000
TOTAL	**11,23,500**

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Being aggrieved over the same, the claimant has preferred the present Appeal seeking enhancement of compensation.

7. The learned counsel appearing for the appellant / claimant would submit that the Tribunal erroneously fixed the notional income of the deceased as Rs.17,500/- per month without any basis. The Tribunal ought to have fixed the income of the deceased as Rs.25,000/- per month, since the deceased was a driver and earning Rs.25,000/- per month at the time of accident. The Tribunal erroneously taken the age of the deceased as 58 years as per the Driving Licence. The Tribunal ought to have taken the age of the deceased as 55 years as per Ex.P5 – Postmortem Certificate and Ex.P6- Aadhar Card. The Tribunal erroneously deducted 50% towards personal expenses and ought to have deducted 1/3rd deduction as personal expenses, as the claimant being widowed wife of the deceased wholly depending upon the income of the deceased.

8. *Per contra*, learned counsel appearing for the 2nd respondent / Insurance Company would submit that the Tribunal has relied upon Ex.P13- Driving Licence, wherein the date of birth of the deceased was mentioned as 20.06.1965 and rightly fixed the age of the deceased as 58 years at the time of accident. The claimant was working as a driver, earning a sum of Rs.25,000/- per month and in the absence of proof of monthly income, the Tribunal has rightly fixed Rs.17,500/- per month and arrived the compensation for the loss of

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dependency and other heads, which does not require any interference by this Court.

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

10. There is no dispute with regard to the manner of accident and negligence fixed on the part of the rider of the two wheeler. It is seen from records that as per Ex.P5 – Death Report, Ex.P6 – Postmortem Certificate and Ex.P7 – Death Certificate, wherein the age of the deceased was shown as 55 years at the time of accident. According to the claimant, the deceased was working as Driver and earning a sum of Rs.25,000/- at the time of accident and to substantiate the age of the deceased, the claimant has relied upon Ex.P13-Driving Licence of the deceased wherein the date of birth of the deceased was shown as 20.06.1965 and therefore, the Tribunal has rightly taken the age of the deceased as 58 years at the time of accident and the findings of the Tribunal with regard to fixing the age of the deceased does not require any interference.

11. With regard to quantum of compensation, in the absence of proof of monthly income, the Tribunal has fixed Rs.17,500/-as monthly notional income of the deceased. Considering that the accident took place on 27.10.2023 and the cost of living at that time and also considering the fact that the deceased was

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holding a four wheeler driving licence for driving light motor vehicle, this Court is inclined to fix Rs.20,000/- per month as the monthly notional income of the deceased. Considering the number of dependents, 50% was deducted towards personal living expenses of the deceased and by applying the Multiplier "9" as per the ratio laid down in the decision of the Hon'ble Apex Court in***Sarla Verma v, Delhi Transport Corporation [(2009) 6 SCC 121],*** and adding 10% towards future prospects by relying upon the decision of the Hon'ble Apex Court in ***National Insurance Company Ltd. V. Pranay Sethi and Others [(2017) 16 SCC 680]***, the compensation under Loss of Dependency would comes to Rs.11,88,000/- [20,000 + 10% = 22,000 x 12 x 9 = 23,76,000 x ½]. The Tribunal has not awarded any compensation towards Transportation Charges, therefore this Court is inclined to award a sum of Rs.10,000/- towards Transportation Charges. The compensation awarded by the Tribunal under other heads appears to be just and proper and does not require any interference.

12. Thus, the Compensation now determined by this Court is tabulated hereunder:

Heads of Compensation	**Amount awarded by this Court (Rs.)**
Loss of Dependency [20,000 + 10% Future Prospects] =22,000 x 12 x 9 = 23,76,000 x ½	11,88,000
Loss of Consortium	48,000
Loss of Estate	18,000
Funeral Expenses	18,000
Transportation Charges	10,000
Total	**12,82,000**

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13. In the result, this Civil Miscellaneous Petition is partly allowed and the award dated 18.04.2026 made in MCOP.No.3155 of 2024, on the file of the Motor Accidents Claims Tribunal (I Special Court), Small Causes Court, Chennai is modified to the effect that the claimant is entitled to an enhanced compensation of Rs.12,82,000/- together with interest @ 7.5% p.a. from the date of claim petition till the date of deposit. The 2nd respondent / Insurance Company is directed to deposit the compensation now determined by this Court, less amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimant is entitled to withdraw the same, less amount already withdrawn if any, on filing appropriate application before the Tribunal and on payment of Court fees for the enhanced compensation. The claimant is not entitled for any interest on the enhanced compensation for the default period. No costs.

03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Jvm
To
The
1. Motor Accidents Claims Tribunal
(I Special Court), Small Causes Court, Chennai

2.The Section Officer, VR Section, High Court, Madras.

M.JOTHIRAMAN J.

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