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C.M.A.No.3246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3246 of 2025

- 1.Parvathi
- 2.Tamilmarai
- 3.Yuvadhurai
- 4.Minor.Harish

Rep. by his next friend, mother Parvathi/first appellant.

...Appellants

vs.

- 1.Muthuvel

2.National Insurance Company Limited,
Sankagiri Durg Division,
Door No.19/B, SR Complex,
Rajamani Thottam,
Bhavani Main Road,
NH, Sankagiri Taluk,
Salem District,
Having Branch Office at,
Salem Division,
Second Floor,
L.R.N. Building,
Saradha College Road,
Salem District.

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to allow the Appeal and to enhance the Award dated 11.07.2022 in M.C.O.P.No.1517 of 2021 on the file of Special



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District Court (MCOP cases), Salem.

For Appellants : Mr.R.Navaneetha Krishnan
For R-2 : Mr.D.Baskaran
For R-1 : No appearance

JUDGMENT

This Civil Miscellaneous Appeal has been preferred against the Award dated 11.07.2022 passed in M.C.O.P.No.1517 of 2021 on the file of Special District Court (MCOP cases), Salem for enhancement of compensation.

2. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Claim Petition was filed under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.50,00,000/- for the death of deceased Muthusamy, in a road traffic accident that took place on 04.10.2021.

4. The Tribunal, upon consideration of the evidence and after hearing arguments advanced by either side, passed an award for a sum of



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Rs.13,15,000/- with interest at the rate of 7.5% p.a. from the date of petition. The amounts granted under various heads are given hereunder:

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S.No	Head	Amount
1.	For loss of dependency	Rs.11,70,000/-
2.	For loss of love and affection (20,000 x 4)	Rs. 80,000/-
3.	For loss of consortium	Rs. 40,000/-
4.	For funeral expenses	Rs. 25,000/-
Total		Rs.13,15,000/-

5. The learned counsel for the appellants would vehemently contend that the deceased, who was working as driver-cum-owner of TATA ACE at the age of 47 years was earning a sum of Rs.35,000/- per month. He would further submit that the Tribunal has taken the monthly income of the deceased as Rs.10,000/- including the future prospects is totally inadequate and also would submit that the amount granted for loss of love and affection is less and sought for enhancement of compensation.

6. *Per contra*, the learned counsel appearing for the second respondent/Insurance Company would strenuously argue that based upon the age, occupation and other attending circumstances, the amounts

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granted by the Tribunal under various heads are reasonable and acceptable and hence, it does not call for any interference by this Court.

7. It has come on record through the evidence of P.W.1/wife of the deceased that the deceased was earning not less than Rs.35,000/- per month as a owner-cum-driver of the TATA ACE vehicle, at the time of accident. To substantiate the monthly income of the deceased no document was marked before the Tribunal. Date of accident is 04.10.2021. As per the Aadhaar card, the age of the deceased has been taken as 48 years, at the relevant point of time. As the claimants are four in number, as held in *Sarala Verma's case*, further sum of Rs.40,000/- is granted for loss of consortium. As held in *National Insurance Co. Ltd., v. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), the Hon'ble Supreme Court standard addition to be added with income (future prospects) while computing loss of dependency. For the age group of persons between 40-50 years, 25% is to be added as future prospects. As held in *Sarala Verma -vs- Delhi Transport Corporation and another*, reported in 2009(2) TNMAC 1 (SC), for personal and living expenses, ¼ is to be deducted and the relevant multiplier to be adopted is 13. For computing loss of dependency, the following formula emerges:

$$\text{Rs.17,000/-} + 25\% - \frac{1}{4} \times 12 \times 13 \text{ m} = \text{Rs.24,86,328/-}$$



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8. Towards loss of estate, a sum of Rs.15,000/- is granted. In consideration of the aforestated details, this Court deems fit to fix the monthly income of the deceased as Rs.17,000/-. As regards other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and hence, it does not warrant any interference by this Court. The amounts awarded by this Court as mentioned supra, are re-worked and tabulated hereunder:

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For loss of dependency	Rs.11,70,000/-	Rs.24,86,328/-	enhanced
2	For loss of love and affection (20,000 x 4) and consortium	Rs.1,20,000/-	Rs.1,60,000/-	enhanced
3	For funeral expenses	Rs.25,000/-	Rs.25,000/-	confirmed
4	For loss of estate	-----	Rs.15,000/-	granted
	Total	Rs.13,15,000/-	Rs.26,86,328/- Rounded off to Rs.26,86,300/-	Enhanced

9. In the result,

(i) The Civil Miscellaneous Appeal stands **partly allowed**. No costs.



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(ii) The compensation awarded by the Tribunal is enhanced from Rs.13,15,000/- to Rs.26,86,300/-.

(iii) The second respondent/Insurance Company is directed to deposit the enhanced compensation amount i.e., Rs.26,86,300/- (less the amount already deposited, if any) along with interest at 7.5% p.a. from the date of claim petition till the date of realisation to the credit of M.C.O.P.No.1517 of 2021 on the file of Special District Judge, MCOP Tribunal, Salem within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellants are permitted to withdraw their share of the award amount, as per the apportionment fixed by the Tribunal, with interest, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(v) The fourth appellant was a minor when the claim petition was filed in the year 2021. He would have attained majority now. Hence, he is directed to file appropriate application for recording herself as major and to withdraw his share.



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(vi) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

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(vii) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
tta

To

1. The Special District Court,
MCOP Tribunal,
Salem.
2. The Section Officer,
VR Section,
High Court, Madras.



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R.KALAIMATHI, J.

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