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C.M.A.No.3688 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3688 of 2025

1. Shobana
 2. Monish (Minor)
 3. Subith (Minor)
(Minor petitioners 2 & 3 rep., by their mother and natural guardian 1st petitioner herein)
 4. Sagunthala
 5. Arumugam
- ... Appellants

Versus

1. P.Sanmugam
 2. Bajaji Alliance General Insurance Co Ltd.,
No.497/498, 5th Floor, Isana Kattima Building,
Poonamallee High Road,
Arumbakkam, Chennai – 106.
- ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.2062 of 2020, dated 02.06.2025, on the file of the Motor Accident Claims Tribunal, Chief Judge Court of Small Causes, Chennai.

For Appellants	: Mr.U.Chithambaram
For Respondents	: Mr.M.Jai Kumar for R1 MR.R.Sreevidhya for R2

JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award of the Motor Accident Claims Tribunal, Chief Judge Court of Small Causes,



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Chennai, in M.C.O.P.No.2062 of 2020, dated 02.06.2025.

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2. Briefly stated, on 18.03.2020, the deceased was riding a motorcycle bearing Reg.No.TN 19 AV 9417 from Muthukarai to Pavunjur Road, near Jamin Endathur Junction, when a Bolero Van bearing Reg.No.TN 46 Y 5272 came from opposite direction, driven by its driver in a rash and negligent manner and hit the motorcycle. Due to the impact, the deceased sustained multiple grievous injuries and died on the next day at the Hospital.

3. At the time of the accident, the deceased, Murali, was aged about 30 years and was earning Rs.40,000/- per month by working as a mason and driver (self employed). The claimants are the wife (1st petitioner), the minor children (2nd and 3rd petitioners) and the mother and father (4th and 5th petitioners) of the deceased, Murali. A sum of Rs.49,00,000/- was claimed as compensation for the death of the deceased. The claim was resisted by the respondent/Corporation stating that the rider of the motorcycle did not hold a valid driving license, was not wearing a helmet and was driving in a rash and negligent manner and fell down, thereby, invited the accident. Since the accident was caused



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due to the negligence of the rider of the motorcycle, the respondent is not liable to pay any compensation to the claimants. Since there was no contra evidence on the side of the respondent/Corporation, the Tribunal has fixed the liability on the respondent/Corporation. Hence, the findings of the learned Tribunal in this regard is confirmed.

4. Though in this appeal, award has been challenged by the claimants on the ground that 'just compensation' has not been awarded by the Tribunal, it is submitted that income of the deceased has not been correctly arrived at, by the Tribunal. The Tribunal has fixed the income of the deceased as Rs.14,600/- per month, while the deceased was earning Rs.40,000/- per month.

5. On the other hand, the learned counsel appearing for the respondent/Corporation would submit that the Tribunal rightly fixed the notional income of the deceased at Rs.14,600/- which warrants any interference by this Court.

6. Heard both sides and records perused.

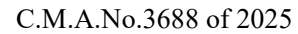


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7. Considering the facts and circumstances of the case, the year of accident and the plight of the claimants, this Court deems it fit to fix the notional income of the deceased at Rs.17,500/- per month and add 40% towards future prospects making the total compensation towards loss of income as **Rs. 35,28,000/-** ($17,500 \times 12 \times 40/100 \times 16 \times \frac{3}{4}$). The award granted by the Tribunal under all the other heads remains unaltered.

8. Accordingly the award granted by the Tribunal shall stand modified as follows:

S.No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of Income/ Dependency	29,43,360	35,28,000	Enhanced
2.	Loss of Estate	15,000	15,000	Confirmed
3.	Loss of consortium (Rs.40,000 X 5)	2,00,000	2,00,000	Confirmed
4.	Funeral Expenses	15,000	15,000	Confirmed
5.	Transportation Charges including damaged to personal belongings	10,000	10,000	Confirmed
	TOTAL	31,83,360/- rounded off to 31,83,400/-	37,68,000/-	Enhanced by Rs.5,84,600/-



(i) the present appeal is partly allowed and the appellants shall be entitled to a compensation of Rs.37,68,000/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.

(iii) On such deposit, the appellants are permitted to withdraw their share as per the apportionment made by the Tribunal along with interest and cost, less the amount already withdrawn, if any.

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permitted to withdraw the interest accrued on the share of the minor appellants 2 & 3 once in six months for the maintenance and welfare of the minor appellants.

(v)The appellants are directed to pay the necessary Court fee, if any for the enhanced award amount. The Registry is directed to draft the decree only after the receipt of additional Court fee, if any payable. No costs.

07.01.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. Chief Judge Court of Small Causes,
Motor Accident Claims Tribunal,
Chennai
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

vsn

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