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C.M.A.No.200 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2026

CORAM

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

C.M.A.No. 200 of 2026

1. Kanniyammal
2. Minor. Santhiya
3. Minor. Santhosh
4. Chinnammal
5. Vedi @ Vedy
6. Minor Kaviyarasan

...Appellants

Vs.

1. Karunanithi
2. United India Insurance Company Limited,
Having office at No.77, Oriental Complex
A.A. Street, Salem

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order dated 01.06.2022 made in MCOP No.2031 of 2019, on the file of the Special District Court, Motor Accidents Claims Tribunal, Salem.

For Appellants

: Mr.S.Ramprabu

For Respondents

: Mr. D. Venkatachalam for R2

R1– Notice dispensed with



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JUDGMENT

This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants / claimants in MCOP No.2031 of 2019, on the file of the Special District Court, Motor Accidents Claims Tribunal, Salem. for enhancement of the sum awarded by the claims tribunal.

2. Shortly stated, on 18.06.2019, at about 2.15 p.m., the deceased Ramamoorthi was travelling as a pillion rider along with another pillion rider Thangaraj in the unregistered two-wheeler driven by one Ravi in Salem-Sankari main road. All the three were going to Poolavari hospital for giving treatment to the said Thangaraj, who was affected with fever. At that time, near Poolavari Branch road in front of SPS school, a two wheeler bearing Registration No.TN 27-H-3659, came in the opposite direction, driven by its rider in a rash and negligent manner, hit the two wheeler in which the deceased was travelling, due to which the deceased Ramamoorthy fell down, sustained fatal injuries and died on the spot.



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3. The legal representatives of the deceased preferred a claim petition for a compensation of Rs.50,00,000/- for the loss caused to them due to the death of Ramamoorthi. The learned Tribunal accepted the claim of the claimants in part and awarded a total sum of Rs.14,09,000/-, after deducting 20% towards negligence on the part of the rider of the two wheeler in which the deceased was travelling, since he was riding the above two wheeler without driving license and with two pillion riders and directed the 2nd respondent/Insurance Company to pay the award amount to the claimants, in the first instance, and then recover the same from the owner of the offending two wheeler, since there was no Fitness Certificate to the offending vehicle. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellants / claimants are on appeal.

4. Mr.S.Ramprabu, the learned counsel for the appellants / claimants submits that the deceased was a mason earning a sum of Rs.25,000/- per month, however, the Tribunal had fixed the notional income of the deceased including future prospects at Rs.10,000/- per month, which is very meagre. He would further submit that the Tribunal erred in fixing 20% contributory negligence on the part of the rider of the two wheeler, in which



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the deceased was travelling, for not having driving license. He also contended that only meagre amounts were awarded under the other heads. Hence, prayed for enhancement of compensation awarded by the Tribunal.

5. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.

6. Heard on both sides. Records perused.

7. The findings of the learned Tribunal regarding the involvement of the vehicle in question, and the deceased having sustained fatal injuries which ultimately resulted in his death are not disputed. The aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.



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8. Now, the question arises as to whether fixing of notational monthly income of the deceased at Rs.10,000/- including future prospects and fixing 20% contributory negligence on the part of the rider of the two wheeler in which the deceased was travelling, by the Tribunal is appropriate and reasonable.

9. On a perusal of the impugned order, it is seen that since no proof has been adduced by the claimants for the income of the deceased, the Tribunal had fixed the notional monthly income of the deceased at Rs.10,000/- including future prospects. However, considering the year of accident, this Court deems it fit to fix the monthly income of the deceased at Rs.15,000/-. Since there are 6 dependants, 1/4 is deducted towards the personal expenses of the deceased. Considering the age of the deceased and applying the principles laid down in *National Insurance Co. vs Pranay Sethi and others* reported in **2017 (2) TNMAC 609 (SC)**, 40% is added towards future prospects and multiplier 18 is adopted as per the judgment reported in **2009 (2) TN MAC 1 (SC)**, *Sarala Varma and Others vs. Delhi Transport Corporation and Others*. Hence, the loss of dependency is calculated as under:



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Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = Rs.21,000/-

Loss of dependency

= Rs.21,000/- x 12 x 18 - 1/4

= Rs.34,02,000/-

The Tribunal has awarded a sum of Rs.1,20,000/- towards loss of love and affection to the dependants and a sum of Rs.40,000/- towards loss of consortium. As the per the decision of the Hon'ble Supreme Court in the case of *National Insurance Company Vs. Pranay Sethi & others (cited supra)* , a sum of Rs.40,000/- to each of the dependent is awarded towards loss of consortium. Hence, a sum of Rs.2,40,000/- is awarded towards loss of consortium to the claimants. Further, it is seen that the Tribunal has not awarded any compensation towards loss of Estate. Hence, a sum of Rs.15,000/- is awarded under the head of 'loss of estate'. Further this Court is of the view that, fixing 20% contributory negligence on the part of the rider of the two wheeler in which the deceased was travelling, for non possession of driving license, is on the higher side and hence the same is reduced to 10%.



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10. The following tabular column would show the compensation awarded by the Tribunal and by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of Income	12,24,000/- (after deducting 20% towards contributory negligence)	34,02,000/-	enhanced
2.	Loss of Love and affection	1,20,000/- (6x20,000)	-	set aside
3.	Loss of Consortium	40,000/-	2,40,000/-	enhanced
4.	Funeral expenses	25,000/-	15,000/-	reduced
5.	Loss of estate	-	15,000/-	granted
	Total	14,09,000/-	36,72,000/-	
			Rs.33,04,800/- (after deducting 10% contributory negligence)	Enhanced by Rs. 18,95,800/-



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11. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The quantum of compensation awarded by the Tribunal is enhanced to Rs.33,04,800 /- from Rs.14,09,000/-.
- iii. The appellants are 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.
- iv. The 2nd respondent/Insurance company is directed to deposit a sum of Rs. 33,04,800 /-(less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, in the first instance, to the credit of MCOP No.2031 of 2019, on the file of the Special District Court, Motor Accidents Claims Tribunal, Salem, and then recover the same from the owner of the offending vehicle.
- v. On such deposit being made, the appellants 1, 4 and 5 is at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.
- vi. The share of the minor appellants / claimants, as apportioned by the



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Tribunal, with costs and interests, shall be deposited in a fixed deposit

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in any one of the Nationalised bank until they attain majority, and the guardian of the minor claimants is permitted to withdraw the interest amount accrued thereon once in three months.

vii.The appellants/claimants are not entitled for any interest for the default period in filing the above appeal.

06.02.2026

bga

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1. Special District Court,
Motor Accident Claims Tribunal, Salem.
2. United India Insurance Company Limited,
Having office at No.77, Oriental Complex
A.A. Street, Salem.



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