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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3677 of 2026

CNR: {HCMA012587582026}

1. J.Jayaseelan

2. J.Ramani

Case QR

..Appellant(s)

Vs

1. R.Gokul

2. The Oriental Insurance Company Ltd.,
   Third Party Hub, 2nd Floor, Broadway,
   Pragasam Salai,
   Chennai 600 108.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to enhancing the compensation awarded in the Award dated 28.07.2026, passed in M.C.O.P. No. 4549 of 2019, on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, at Chennai.

For Appellant(s): Mr.Amar Dineshbhai Pandiya

For Respondent(s): Mr.K.Swaminathan, for R2

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JUDGMENT

Unsuccessful claimants have preferred this Civil Miscellaneous Appeal seeking enhancement of compensation, vide award dated 28.07.2026 made in MCOP.No.4549 of 2019 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, for the death of one Jayakumar, who died in a road accident that took place on 31.12.2017. The claimants are the parents of the deceased Jayakumar.

3. According to the claimants, on 03.12.2017 at about 23.00 hours, the deceased person was traveling as a pillion rider in a Motorcycle Reg. No.TN20 CJ 8815 proceeding from Pondicherry to Chennai along Marakkanam ECR Petrol Bank, while turning on the curve the rider of the Motorcycle was ridden in a rash and negligent manner, lost the control and caused the accident. Due to the impact, the deceased sustained grievous injuries and died on the spot.

4. The first respondent was called absent and was set *ex parte* before the Tribunal.

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5. The second respondent / Insurance Company has filed counter statement wherein they denied the manner of accident.

6. Before the Tribunal, on behalf of the claimants, the first claimant was examined herself as PW1 and one eyewitness Mr.Nagarajan was examined as P.W.2, and Ex.P1 to Ex.P17 were marked. On behalf of the second respondent, one Mr.Srinivasan, Administrative Officer at second respondent's Insurance Company was examined as R.W.1 and Exs.R1 to R3 were marked.

7. Upon appreciation of evidence, the Tribunal came to a conclusion that the accident had occurred only due to rash and negligent act of the rider of the Motor cycle. The Tribunal fixed the age of the deceased was 21 years at the time of accident and in the absence of proof of monthly income, the Tribunal fixed a sum of Rs.13,700/- as notional monthly income of the deceased, added 40% towards future prospects, deducted 50% of the income towards personal and living expenses of the deceased, applied multiplier '18' and awarded a sum of Rs.20,71,440/- as compensation under the head of Loss of dependency. The Tribunal also awarded compensation under various heads as hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Towards Loss of income/ dependency (Rs.19,180/- x 12 x 18 x1/2)	20,71,440/-
2.	Towards Loss of estate	15,000/-

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S.No	*Heads*	*Amount awarded by the Tribunal*
3.	Towards Loss of Consortium (Rs. 40,000 x 2)	80,000/-
4.	Towards Funeral expenses	15,000/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-
	Total	**21,91,440/-**

Rounded off to Rs.**21,91,500/-**

8. Aggrieved over the same, the claimants have preferred this present appeal seeking for enhancement of compensation.

9. The learned counsel for the appellants / claimants would submit that the Tribunal erred in fixing the notional monthly income of the deceased at Rs.13,700/-, per contra to the avocation that the deceased was in the final year of his B Pharmacy course and earning Rs.15,000/- per month.

10. *Per contra,* learned counsel for the second respondent / Insurance Company would submit that in the absence of proof of monthly income, the Tribunal has rightly fixed a sum of Rs.13,700/- as notional monthly income of the deceased, which does not requires any interference.

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

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12. There is no dispute with regard to the manner of accident and negligence fixed on the part of the driver of the offending vehicle. According to the claimants, the deceased was pursuing B Pharm in Jaya College of Pharmacy at that time of accident. It is relevant to note that the claimants stated that the monthly income of the deceased as Rs.15,000/- in their claim petition. A perusal of Ex.P8 - Bonafide Certificate and Ex.P9- College ID Card which stands in the name of the deceased, reveals that the deceased was pursuing B.Pharm at the time of accident. A perusal of Ex.P6-Death certificate and Ex.P7-Birth Certificate reveal that the age of the deceased as 21 years and therefore, Tribunal fixed the age of the deceased at the time of accident as 21 years.

13. Considering that the accident took place on 31.12.2017 and the dependents are the parents of the deceased, the Tribunal fixed a sum of Rs.13,700/- per month as notional income, which appears to be meager and this court is inclined to fix a sum of Rs.16,500/- per month as notional income of the deceased, which would meets the end of justice. Since the deceased died as a bachelor, 50% to be deducted towards personal and living expenses of the deceased. Considering the age of the deceased at the time of accident and by adding 40% towards future prospects and by applying the multiplier ‘18’, the compensation under the head loss of dependency would be,

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Calculation :

Notional income : Rs.16,500/-
Future prospects : 40%
(Rs.16,500/- + 40% = 23,100/-)
Multiplier : 18

Rs.23,100/- x 12 x 18 x 1/2 = Rs.24,94,800/-

The compensation awarded by the Tribunal under various heads appears to be proper and reasonable and does not require any interference.

14. The following tabular column would show the enhanced compensation amount awarded by this Court:

S.No	***Heads***	***Amount awarded by this Court***
1.	Towards Loss of income/ dependency (Rs.23,100/- x 12 x 18 x1/2)	24,94,800/-
2.	Towards Loss of estate	15,000/-
3.	Towards Loss of Consortium (Rs. 40,000 x 2)	80,000/-
4.	Towards Funeral expenses	15,000/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-
	Total	**26,14,800/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs. 26,14,800/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

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16. In the result,

i. The Civil Miscellaneous Appeal is partly allowed. No costs.

ii. The compensation awarded by the Tribunal is enhanced to **Rs.26,14,800/-.**

iii. The appellants / claimants are directed to pay the court fee for the enhanced compensation amount, if any.

iv. The second respondent, the Insurance Company, is directed to deposit the enhanced compensation amount of **Rs.26,14,800/-** (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP No.4549 of 2019 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order. The claimants are not entitled for any interest on the enhanced compensation for the delay period, if any

v. On such deposit being made, the claimants are at liberty to withdraw the same on filing appropriate application before the Tribunal. The ratio of apportionment made by the Tribunal shall be kept intact.

vi. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

jv

To

1. Motor Accident Claims Tribunal,
Chief Judge, Court of Small Causes,
Chennai,

2. The Section Officer,
V.R.Section,
Madras High Court, Chennai.

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M.JOTHIRAMAN, J.

jv

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