



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1816 of 2026

1. R.Judithmary
W/o.M.Ruban
2. R.Kirishetha (Minor)
D/o.M.Ruban
Rep. by her mother Next Friend and Natural
Guardian, 1st petitioner Judithmary
3. M.Poornima
W/o.Muthu
4. P.Muthu
S/o.Perumal

..Appellants

Vs

1. S.Suresh
S/o.Srinivasan
2. The New India Assurance Co.Ltd.,
No.232, 6th Floor,
NSC Bose Road, Chennai - 600 001.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the award dated 22-04-2025 made in MCOP.No.820 of 2023 on the file of Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For Appellants : Mr.K.Ayyadurai

For Respondents : *Ex parte* [R1]
Mr.J.Chandran [R2]



JUDGMENT

WEB COPY

This appeal has been filed against the judgment of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, wherein the claimant is seeking for enhancement of compensation.

2. The first appellant is the wife, the second appellant is the minor daughter, the third appellant is the mother and the fourth appellant is the father of the deceased Ruban. The case of the claimant is that the deceased was driving a Mahindra Van on 07.06.2021 at GST road and at about 11 p.m., when the van was going near Oragadam junction, the offending vehicle, a lorry belonging to the first respondent, was driven in a rash and negligent manner and dashed from behind as a result of which the deceased sustained fatal injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.36,46,200/- under



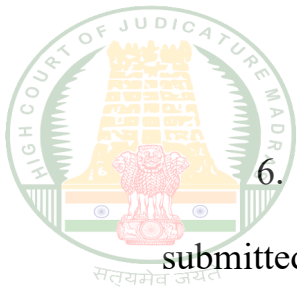
various heads as follows:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income/dependency	34,27,200/-
2.	Loss of consortium	1,76,000/-
3.	Loss of estate	16,500/-
4.	Funeral expenses	16,500/-
5.	Transportation charges	10,000/-
	Total	36,46,200/-

From the above compensation, 10% was deducted towards contributory negligence on the ground that the deceased did not possess a valid driving license. Accordingly, the compensation was fixed at Rs.32,81,580/-, rounded off to Rs.32,81,600/-, which was directed to be paid together with interest at the rate of 7.5% p.a. Aggrieved by the same, the present appeal has been filed before this Court seeking enhancement of compensation.

4. Heard learned counsel for appellants and learned counsel for second respondent insurance company.

5. The main ground urged by learned counsel for appellants is that the deceased was a heavy vehicle driver and the accident had taken place in the year 2021 whereas the Tribunal had fixed the notional monthly income at Rs.16,000/-, which is on the lower side. It is further submitted that the Tribunal went wrong in attributing contributory negligence and deducting 10% out of the total compensation.



6. Learned counsel for the second respondent insurance company submitted that the compensation fixed by the Tribunal is fair and proper and it does not require the interference of this Court.

7. In the case in hand, the deceased was aged about 27 years at the time of accident and he was a driver by occupation. The same is substantiated by driving license, which was marked before the Tribunal as Ex.P7. The accident had taken place in the year 2021. The Tribunal had fixed the notional monthly income at Rs.16,000/- p.m., which is on the lower side. Considering the occupation of the deceased and considering the fact that the accident had taken place in the year 2021 and the claimants are wife, minor daughter and parents, this Court is inclined to fix the notional monthly income at Rs.20,000/- p.m.

8. In view of the above, the compensation under the head 'loss of income' is calculated as follows:

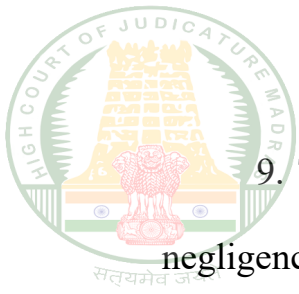
Monthly Income	:	Rs. 20,000/-
Add:40% future prospects	:	Rs. 8,000/-

		Rs. 28,000/-
Less: Personal expenses (1/4)	:	Rs. 7,000/-

		Rs. 21,000/-
		x 12

Annual income	:	Rs. 2,52,000/-
Multiplier	:	x 17

Loss of income	:	Rs.42,84,000/-



9. The next ground is regarding deduction of 10% towards contributory negligence. Mere non-possession of driving license cannot automatically result in attributing contributory negligence. The law on this issue has been settled by the Apex Court in *Dinesh Kumar J. v. National Insurance Company Limited & others [(2018) 1 SCC 750]*. The compensation fixed under the other heads is just and reasonable and does not require the interference of this Court.

10. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of income/dependency	34,27,200/-	42,84,000/-
2.	Loss of consortium	1,76,000/-	1,76,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral expenses	16,500/-	16,500/-
5.	Transportation charges	10,000/-	10,000/-
	Total	36,46,200/-	45,03,000/-
	Less:10% [D.L.]	3,64,200/-	-
	Compensation payable	32,81,580/- rounded off to 32,81,600/-	45,03,000/-

12. The compensation awarded by the Tribunal at Rs.32,81,600/- is enhanced to Rs.45,03,000/-. The appellant insurance company is directed to



N.ANAND VENKATESH, J.

gm

WEB COPY

deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the appellants/claimants are entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

30-06-2026

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

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

Civil Miscellaneous Appeal No.1816 of 2026