



WEB COPY



C.M.A.No.3876 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 3876 of 2025

1. Saminathan
2. Tamilarasan
3. Jeevitha (Minor)

...Appellant

Versus

1. E. Manikandan

2. The New India Assurance Co. Ltd.,

...Respondents

PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the order made in M.C.O.P. No.1317 of 2023, dated 23.04.2025, on the file of the Motor Accident Claims Tribunal, IV Judge, Small causes Court Chennai.

For Appellant : G. Anitha

For Respondents : R1 - Notice Dispensed with
R2 – Mr. J. Chandran



C.M.A.No.3876 of 2025

JUDGMENT

WEB COPY

C.M.A.No. 3876 of 2025 is filed by the claimant challenging the judgment and decree passed in M.C.O.P.No. 1317 of 2023, dated 23.04.2025, on the file of the Motor Accident Claims Tribunal, IV Judge, Small causes court, Chennai, challenging the quantum of award passed in the said claim petition.

2. Briefly stated, on 02.22.2023, at about 19:00 hours, the deceased, was travelling as a pillion in a motor cycle bearing Reg.No.TN 25 X 7502, at that time, a Mahindra Bolero Maxi Truck bearing Reg.No.TN 97 Z 2041 driven in a rash and negligent manner, dashed against the backside of the motorcycle in which the deceased was travelling due to which he sustained fatal injuries. The deceased, was working as a Proprietor cum Tailor and was earning a sum of Rs. 900/- per day i.e., Rs. 27,000/- per month.

3. The claimants are the Children and the husband of the deceased, who filed a claim petition before the Claims Tribunal. A sum of Rs.49,00,000/- was claimed as compensation. The Tribunal has fixed the income of the deceased as Rs.16,500/- per month, while the deceased was earning Rs.27,000/- per month. Challenging the said award, the



C.M.A.No.3876 of 2025

appellants are before this Court.

WEB COPY

4.The learned counsel for the 2nd respondent/Insurance Company has submitted that the driver of the Mahindra Bolero Maxi truck was not holding a valid driving license and that the petitioner had to prove the place, date and time of the accident. The learned counsel would further submit that the, compensation awarded by the Tribunal is a fair and just compensation which warrants any interference by this Court.

5. Heard both sides. Records perused.

6. 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 as Rs.18,500/- per month and add 25% towards the future prospects, and after 1/3rd deduction, loss of dependency is arrived at Rs. 25,90,000/- (18,500 X 25 X 100 X 12 X 14 X 1/3).



C.M.A.No.3876 of 2025

7. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1.	Loss of Dependency	23,10,000	25,90,000
2.	Loss of Consortium	1,00,000	44,000
3.	Loss of Estate	15,000	16,500
4.	Funeral Expenses	15,000	16,500
5.	Transportation	5,000	5,000
6.	Love and Affection	-	88,000
	TOTAL	24,45,000/-	27,60,000/- (Enhanced by Rs.3,15,000/-)

8. As a result of the aforesaid discussion,

(i) the present appeal is partly allowed and it is held that the appellants shall be entitled to a compensation of Rs.27,60,000/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.

(ii) The 2nd Respondent is directed to pay the above said compensation amount now determined by this Court to the appellants along with interest and costs, less the amount already deposited, if any, within a period of **twelve (12) weeks** from the date of receipt of copy of



C.M.A.No.3876 of 2025

this judgment. The claimants are not entitled to claim any interest for the default period in filing this appeal as per order of this Court dated 10.12.2025.

(iii) On such deposit being made, the 1st and 2nd appellants are 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.

(iv) The share of the minor claimant (3rd appellant), as apportioned by the Tribunal, with costs and interests, shall be deposited in a fixed deposit in any one of the Nationalized 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.

19.01.2026

vsn

Index: Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

To:

1.The IV Judge, Small Causes Court,
The Motor Vehicle Accident Tribunal,
Chennai

2.The Section Officer,
VR Section, High Court, Madras.

5/6



WEB COPY



C.M.A.No.3876 of 2025

K.GOVINDARAJAN THILAKAVADI,J.

vsn

C.M.A.No.3876 of 2025

19.01.2026