IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.02.2026

CORAM

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

C.M.A.No. 162 of 2026

1. Padmadhas
2. Rakshitha (Minor) …Appellants

Vs.

1. N. Rajendran
2. United India Insurance Co. Ltd.
   Motor III Party Claims Office,
   Shillingi Building, 134, Greams Road,
   Chennai 600 006 …Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order dated 05.03.2025 made in MCOP No.5567 of 2022, on the file of the III Court of Small Causes, Motor Accidents Claims Tribunal, Chennai.

For Appellants : Mr. K. Sivakumar
For Respondents : Mr. J. Chandran for R2
R1– Notice dispensed with

JUDGMENT

This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants / claimants in MCOP No.5567 of 2022, on the file of the III Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, for enhancement of the sum awarded by the claims tribunal.

2. Shortly stated, on 16.05.2022, at about 14.50 hours, while the deceased Dharshini was riding the Motor Cycle bearing Registration No.TN-AL-8825, opposite Nullivillai Raymond's Pharmacy, a lorry bearing Registration No. TN-74-9630, which was coming behind the deceased's two wheeler, dashed against her vehicle from behind, as a result of which, she sustained fatal injuries and died on the spot.

3. The legal representatives of the deceased preferred a claim petition for a compensation of Rs.49,00,000/- for the loss caused to them due to the death of deceased Dharsini. The learned Tribunal accepted the claim of the claimants in part and awarded a total sum of Rs.28,01,000/- in their favour, and directed the 2nd respondent/Insurance Company to pay the award amount to the claimants. Aggrieved over the quantum of compensation awarded by

the Tribunal, the appellants / claimants are on appeal.

4. Mr.K. Sivakumar, the learned counsel for the appellants / claimants submits that the deceased was earning a sum of Rs.20,000/- per month by way of doing tailoring and embroidery work, however, the Tribunal had fixed the monthly income of the deceased notionally at Rs.15,000/- per month, which is very meagre. He would further submit that the Tribunal ought to have awarded more amounts under all the 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 her 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.

8. Now, the question arises as to whether fixing of notational monthly income of the deceased at Rs.15,000/- 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.15,000/-. However, considering the year of accident, this Court deems it fit to fix the monthly income of the deceased at Rs.19,000/-. Since there are 2 dependants, 1/3 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 16 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:

Calculation

Notional Income = Rs.19,000/-

Adding 40% Future Prospects = Rs.26,600/-

Loss of dependency

= Rs.26,600/- x 12 x 16 - 1/3

= Rs.34,04,800/-

The Hon'ble Supreme Court in the case of ***National Insurance Company Vs. Pranay Sethi & others*** reported in 2017 (2) TNMAC 609 had held that the amount under the conventional heads like loss of estate, loss of consortium, funeral expenses has to be mandatorily granted and, once in three years, the same has to be enhanced by 10% and therefore, the amount awarded under the head of 'loss of consortium' is enhanced to Rs.88,000/- from Rs.80,000/-.

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 dependency	26,88,000/-	34,04,800/-	enhanced
2.	Loss of consortium	80,000/-	88,000/-	enhanced
3.	Loss of estate	16,500/-	16,500/-	confirmed
4.	Funeral expenses	16,500/-	16,500/-	confirmed
	Total	28,01,000/-	35,25,800/-	Enhanced by 7,24,800/-

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.35,25,800/- from Rs.28,01,000/-.

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.35,25,800 /-(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, to the credit of MCOP No.5567 of 2022, on the file of the III Court of Small Causes, Motor Accidents Claims Tribunal, Chennai`.

v. On such deposit being made, the 1st appellant is at liberty to withdraw his 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 appellant/claimant, as apportioned by the Tribunal, with costs and interests, shall be deposited in a fixed deposit in any one of the Nationalised bank until she attain majority, and the guardian of the minor claimant is permitted to withdraw the interest amount accrued thereon once in six months.

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

05.02.2026

bga

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To

1. The III Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai.

2. United India Insurance Co. Ltd.

Motor III Party Claims Office,
Shillingi Building, 134, Greams Road,
Chennai 600 006

K.GOVINDARAJAN THILAKAVADI, J.

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