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C.M.A.No.69 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 69 of 2026

- 1.Sadineni Jyothi
- 2.Sadineni Venkata Subbarao

Sadineni Dhanush (minor) (since died)
(Minor rep. by her mother &
next friend the 1st respondent)
(amended as per order in
M.P.No.2 of 2023 dated 10.08.2023)

.... Appellants

Vs

- 1.S.Saravanan
- 2.The Oriental Insurance Co. Ltd.,
Motor Third Pary Claims Hub,
Oriental House, 2nd Floor, No.216,
Prakasam Salai, Broad Way,
Chennai – 600 001.

.... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to enhance the compensation of Rs.28,36,600/- as awarded by the lower court in MACT.O.P.No.563 of 2018 on the file of the Special Sub Court No.I (Motor Accidents Claims Tribunal), Small Causes Court, Chennai on 06.11.2024 to Rs.43,36,600/-.

For Appellants : Mr.M.Mahendran

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

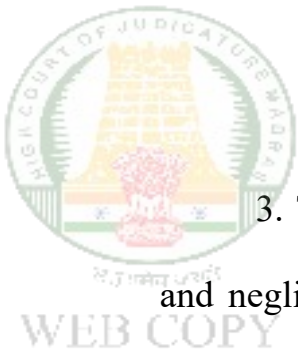


C.M.A.No.69 of 2026

JUDGMENT

This Appeal has been filed under Section 173 of Motor Vehicles Act by the appellants/claimants seeking enhancement of the compensation awarded by the Claims Tribunal.

2. Shortly stated, on 06.12.2017 at about 7.00 hours, the deceased was travelling as a pillion rider on a motorcycle bearing Registration No.TN-07-BP-0640 in Rajiv Gandhi Salai, proceeding from south to north direction. The said motorcycle was ridden by one Praveen Ogety. When they were proceeding opposite to Door No.5/353, a lorry bearing Registration No.TN-14-D-4966, driven by its driver in a rash and negligent manner, entered Rajiv Gandhi Salai from the service road by suddenly taking a right turn without obeying the traffic rules and dashed against the motorcycle. Due to the impact, the rider sustained grievous spinal injuries and the pillion rider sustained fatal injuries and succumbed to the same. The accident occurred only due to the rash and negligent driving of the driver of the lorry. At the time of accident, the deceased was aged about 20 years. Claiming that the deceased was earning a sum of Rs.50,000/- per month, the parents of the deceased filed a claim petition seeking compensation of Rs.50,00,000/- for the death of their son.



C.M.A.No.69 of 2026

3. The respondents contended that the accident occurred due to the rash and negligent riding of the motorcycle by deceased and denied their liability. Upon consideration of the pleadings and evidence on record, the Claims Tribunal framed necessary issues and came to the conclusion that the accident had occurred due to the rash and negligent driving of the driver of the offending lorry. Accordingly, the Tribunal awarded a sum of Rs.28,36,600/- as compensation. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants / claimants have preferred the present appeal seeking enhancement.

4. Mr.M.Mahendran, the learned counsel for the appellants/claimants contended that the Tribunal had fixed the notional monthly income of the deceased as Rs.18,000/-, which is very meagre. According to the counsel, the deceased was pursuing fourth year B.E. course and his expected earning capacity upon completion of the course was Rs.50,000/- per month. However, the Tribunal fixed only Rs.18,000/- as the monthly income, which is on the lower side. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.

5. Per contra, the learned counsel appearing for the 2nd respondent/Insurance Company would submit that the Tribunal, after analysing

3/8



C.M.A.No.69 of 2026

the oral and documentary evidence, has awarded just and reasonable compensation, which requires no interference by this Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. It is claimed by the learned counsel for the appellants that the deceased, being a final year B.E. Student, was expected to earn not less than Rs.50,000/- per month. However, the Tribunal fixed the notional monthly income of the deceased at Rs.18,000/-. Considering the year of accident and the education qualification of the deceased, this Court deems it appropriate to fix the notional monthly income of the deceased at Rs.20,000/- per month. Since the deceased was aged about 20 years at the time of accident, the appropriate multiplier applicable is '18'. Further, future prospects are to be added at 40%. Since the deceased died as a bachelor, 50% is to be deducted towards his personal expenses. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.20,000/-
40% Future prospects = Rs.8,000/-
After 1/2 deduction = Rs.14,000/-
= Rs.14,000/- x 12 x 18
= Rs.30,24,000/-



Apart from the above modification, the compensation awarded by the Tribunal under the heads of loss of consortium, funeral expenses, transport expenses and loss of estate are confirmed.

8. Considering the facts and circumstances of the case, the compensation awarded by the Tribunal under various heads is modified by this Court as follows:

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of dependency	27,21,600/-	30,24,000/-	enhanced
2.	Loss of Consortium	80,000/-	80,000/-	confirmed
3.	Loss of Estate	15,000/-	15,000/-	confirmed
4.	Funeral Expenses	15,000/-	15,000/-	confirmed
5	Transport Charges	5,000/-	5,000/-	Confirmed
	Total	28,36,600/-	31,39,000/-	Enhanced by 3,02,400/-

9. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The quantum of compensation awarded by the Tribunal is enhanced to Rs.31,39,000/- from Rs.28,36,600/-.



C.M.A.No.69 of 2026

iii. The appellants/claimants 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.31,39,000/- (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 M.C.O.P. No.563 of 2018 on the file of the Special Sub Court I (Motor Accidents Claims Tribunal), Small Causes Court, Chennai. The appellants shall share the enhanced amount as per the apportionment granted by the Tribunal.

v. On such deposit being made, the claimants are at liberty to withdraw the same with costs and interest, after filing an appropriate petition for withdrawal. Interest for default period, if any, is waived.

21.01.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



C.M.A.No.69 of 2026

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To

1. The Special Sub Court I (Motor Accidents Claims Tribunal),
Small Causes Court, Chennai.
2. The Section Officer,
VR Section,
High Court, Madras.



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C.M.A.No.69 of 2026

K.GOVINDARAJAN THILAKAVADI, J.

Lpp

C.M.A.No. 69 of 2026

21.01.2026