**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 27.02.2026**

**CORAM:**

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.M.A.No.155 of 2026**

1.Santhi

2.Balaji

3.Meenatchi (Minor)

4.Arasi (Minor)
Appellants 3 & 4 are rep. by
their natural guardian/mother, Santhi ...Appellants

Vs.

1.Sudhakar

2.The New India Assurance Company Limited,
No.232, N.S.C.Bose Road,
Bombay Mutual Buildings,
Chennai – 600 001. ...Respondents

**Prayer:** This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 praying to set aside the award dated 20.11.2024 made in M.C.O.P.No.204 of 2022 in the Court of the V Judge, Court of Small Causes, (Motor Accident Claims Tribunals), Chennai so far as granting the lower amount of Rs.16,06,000/- and enhance the award amount.

| | | |
|---|---|---|
| For Appellants | : | Mr.K.Ayyadurai |
| For Respondent – 1 | : | Notice Dispensed With |
| For Respondent – 2 | : | Mr.J.Chandran |

**JUDGMENT**

This Civil Miscellaneous Appeal has been preferred by the appellants/claimants seeking to enhance the quantum of compensation awarded by the learned V Judge, Court of Small Causes (Motor Accidents Claims Tribunal), Chennai vide Award dated 20.11.2024 in M.C.O.P.No.204 of 2022.

2. The brief facts of the case are as follows:

On 09.12.2021, at about 18.30 hours, while Mr.Pandiyan (deceased) was riding a two wheeler bearing Registration No.TN 61 S 6780 at Kumbakonam to Chennai Main Road at Meikavalputhur Village in front of Siva Ganesan empty land from South to North direction and tried to take right turn with proper signal, at that time, another two wheeler bearing Registration No.TN 61 P 9831 came from the opposite direction in a rash and negligent manner, hit the two wheeler of the deceased. In the said accident, Pandiyan (deceased) had sustained fatal injuries and due to which, he died on 10.12.2021 i.e., the very next day of accident. Hence, the appellants/claimants (wife and children of the deceased) had filed a Claim Petition in M.C.O.P.No.204 of 2022 against the 1st respondent (owner of the offending vehicle) and 2nd respondent/Insurance Company (insurer of the offending vehicle), claiming a sum of Rs.20,00,000/- as compensation for the death of Pandiyan.

3. The 1st respondent (owner of the offending vehicle) had remained *ex parte* before the Tribunal.

4. The 2nd respondent/Insurance Company (insurer of the offending vehicle) had filed its counter statement denying all the averments made by the appellants/claimants in the Claim Petition.

5. Before the Tribunal, on the side of claimants, 2nd appellant examined himself as P.W.1 and one Mr.Ajith was examined as P.W.2 and 21 documents were marked as Exs.P1 to P21. On the side of respondents, one Mr.Arumugarajan was examined as R.W.1 and two documents were marked as Exs.R1 & R2.

6. On appreciation of the oral and documentary evidence, the Tribunal arrived at the finding that the accident occurred due to the rash and negligent driving of the 1st respondent's two wheeler driver.

7. The Tribunal awarded a sum of Rs.16,06,000/- as compensation to the appellants/claimants. The break-up details of the compensation awarded by the Tribunal are as follows:

| S.No. | Heads | Amount awarded under various Heads |
|---|---|---|
| 1 | Loss of Dependency | Rs.14,16,000/- |
| 2 | Loss of Consortium | Rs.1,60,000/- |
| 3 | Loss of Estate | Rs.15,000/- |
| 4 | Funeral Expenses | Rs.15,000/- |
| Total | | Rs.16,06,000/- |

8. The Tribunal vide Award dated 20.11.2024, partly allowed M.C.O.P.No.204 of 2022 and directed the 2nd respondent/Insurance Company to pay a sum of Rs.16,06,000/- (Rupees Sixteen Lakhs Six Thousand Only) as compensation to the appellants/claimants, with proportionate cost and interest at 7.5% per annum from the date of claim petition till the date of realization and thereafter, to recover the same from 1st respondent (owner of the offending vehicle).

9. Now, the appellants/claimants have preferred this Civil Miscellaneous Appeal before this Court, seeking to enhance the quantum of compensation awarded by the Tribunal.

10. Mr.K.Ayyadurai, learned counsel for appellants/claimants submitted that though the appellants/claimants had claimed Rs.20,00,000/- as compensation for the death of Mr.Pandiyan (deceased), the Tribunal has awarded only a sum of Rs.16,06,000/- as compensation to the

appellants/claimants. He further submitted that at the time of accident, the deceased was working as a Mason and he was earning Rs.20,000/- per month, but, the Tribunal has fixed the meagre amount of Rs.13,000/- as notional monthly income of the deceased. While fixing the notional monthly income of the deceased, the Tribunal failed to consider the economic conditions prevailing in the year 2021 in which the accident took place. The amount which was fixed as monthly income of deceased is on the lower side. Therefore, the learned counsel prayed that the notional monthly income of the deceased may be fixed as Rs.19,000/-.

10.1. It is also submitted by the learned counsel for appellants/claimants that the wife and children of the deceased have lost the love and affection of the deceased who died in the road accident occurred on 09.12.2021. However, without considering the same, the Tribunal has awarded the meagre amount of Rs.1,60,000/- towards the head, "Loss of Consortium". The amount awarded by the Tribunal under the heads, "Loss of Estate" and "Funeral Expenses" are also on the lower side. Therefore, the learned counsel prayed that the compensation awarded by the Tribunal may be enhanced.

11. On the other hand, Mr.J.Chandran, learned counsel appeared on behalf of 2nd Respondent/Insurance Company submitted that the appellants/claimants did not produce any documentary evidence before the

Tribunal to prove that the deceased was working as a Mason and he was earning Rs.20,000/- per month at the time of accident. Therefore, in the absence of any documentary evidence, the Tribunal has notionally fixed Rs.13,000/- as monthly income of the deceased. He further submitted that following the dictum laid down by the Hon'ble Supreme Court in the case of ***National Insurance Co. Ltd., Vs. Pranay Sethi & Ors.*** reported in ***2017 (2) TNMAC 609 (SC),*** the Tribunal has awarded Rs.1,60,000/- under the head, "Loss of Consortium" (Rs.40,000/- to each of the appellants/claimants) ; Rs.15,000/- under the head, "Loss of Estate" and Rs.15,000/- under the head, "Loss of Expenses". Therefore, the learned counsel submitted that the compensation awarded by the Tribunal is just and reasonable and hence, the same need not be enhanced.

12. Heard the learned counsel for appellants/claimants as well as the learned counsel appeared for 2nd respondent/Insurance Company.

13. From a perusal of the materials available on record, it is evident that the deceased had sustained fatal injuries in the accident occurred on 09.12.2021, due to the same, he died on 10.12.2021 i.e., the very next day of accident. It is also evident that at the time of accident, the deceased was 55 years and he working as a Mason and earning Rs.20,000/- per month. However, without considering the same, the Tribunal has notionally fixed Rs.13,000/- as monthly income of the deceased and awarded Rs.14,16,000/- towards "Loss of

Dependency". According to the appellants/claimants, the compensation awarded by the Tribunal is very meagre. Therefore, the appellants/claimants are praying to enhance the compensation awarded by the Tribunal.

14. Considering the year of accident, age and job of the deceased at the time of accident, this Court is of the opinion that it would be just and reasonable to fix Rs.19,000/- as notional monthly income of the deceased. Thus, by fixing Rs.19,000/- as notional monthly income of the deceased, by adding 10% towards future prospects of the deceased, deducting ¼ towards personal expenses of the deceased and applying the multiplier '11', the amount of Rs.14,16,000/- awarded by the Tribunal under the head, "Loss of Dependency" is enhanced as Rs.20,69,100/-, the break-up details of which are as follows:

| | |
|---|---|
| **Rs.19,000 + Rs.1,900 (10% of Rs.19,000) x 12** | **= Rs.2,50,800/-** |
| **Rs.2,50,800 – Rs.62,700/- (1/4 of Rs.2,50,800/-)** | **= Rs.1,88,100/-** |
| **Rs.1,88,100/- x 11** | **= Rs.20,69,100/-** |

15. Taking note of the fact that the 1st appellant (wife of the deceased) and appellants 2 to 4 (son and two daughters of the deceased) have lost the love and affection of the deceased, the amount of Rs.1,60,000/- awarded under the head, "Loss of Consortium" is enhanced as Rs.1,76,000/-.

16. Considering the request made by the learned counsel for appellants/claimants, this Court is inclined to enhance the amount awarded by the Tribunal under the heads, "Loss of Estate" and "Funeral Expenses". Accordingly, the amount of Rs.15,000/- awarded under the head, "Loss of Estate" is enhanced as Rs.16,500/- and the amount of Rs.15,000/- awarded under the head, "Funeral Expenses" is enhanced as Rs.16,500/-.

17. The break-up details of the enhanced compensation are as follows:

| S.No. | Heads | Amount awarded by the Tribunal (Rs.) | Amount awarded by this Court (Rs.) | Award Confirmed or Enhanced or |
|---|---|---|---|---|
| 1 | Loss of Dependency | Rs.14,16,000/- | Rs.20,69,100/- | Enhanced |
| 2 | Loss of Consortium | Rs.1,60,000/- | Rs.1,76,000/- | Enhanced |
| 3 | Loss of Estate | Rs.15,000/- | Rs.16,500/- | Enhanced |
| 4 | Funeral Expenses | Rs.15,000/- | Rs.16,500/- | Enhanced |
| Total | | Rs.16,06,000/- | Rs.22,78,100/- | ---- |

18. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.16,06,000/- awarded by the Tribunal is enhanced to Rs.22,78,100/- (Rupees Twenty Two Lakhs Seventy Eight Thousand and Hundred only). Out of the enhanced compensation of Rs.22,78,100/-, 1st appellant (wife of the deceased) is entitled to Rs.12,78,100/-; 2nd appellant (son of the deceased) is entitled to Rs.2,00,000/-; 3rd appellant (elder daughter of the

deceased) is entitled to Rs.4,00,000/- and 4th appellant (younger daughter of the deceased) is entitled to Rs.4,00,000/-. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation of Rs.22,78,100/-, after deducting the amount(s), if any, already deposited, along with interest at 7.5% per annum from the date of petition till the date of deposit (excluding the default period, if any), to the credit of M.C.O.P.No.204 of 2022, within a period of six weeks from the date of receipt of a copy of this judgment, at the first instance and thereafter, recover the same from 1st respondent (owner of the offending vehicle). On such deposit being made, appellants 1 to 3 are permitted to withdraw their respective share of the enhanced award amount along with proportionate interest and cost as per the apportionment ordered by this Court. So far as the share of 4th appellant (minor daughter of the deceased) is concerned, the 2nd respondent/Insurance Company shall deposit the same in a Fixed Deposit Account in any one of the Nationalized Banks, till she attains majority and the interest accrued thereon shall be withdrawn by her guardian once in three months, directly from the Bank. The appellants/claimants are directed to pay the necessary Court fee, if any, on the enhanced award amount, before receiving the copy of this judgment. No costs.

**27.02.2026**

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

To

1.The Court of Small Causes (Motor
Accidents Claims Tribunal), Chennai.

2.The Section Officer,
Vernacular Records Section,
High Court, Madras.

**K.GOVINDARAJAN THILAKAVADI, J.**

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C.M.A.No.155 of 2026

27.02.2026