



C.M.A.No.357 of 2026

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

Dated: 25.02.2026

CORAM

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

C.M.A.No. 357 of 2026

1. Savithri
- 2.Sivaranjini
- 3.Minor Karthick
- 4.Haitha

...Appellants

Vs.

1. Nandhakumar
2. Oriental Insurance Company Limited,
Divisional Office, Fort Main Road,
Salem 1.
3. A. Jeeva

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, Challenging the order dated 01.02.2024 made in M.C.O.P. No.440 of 2022 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

For Appellants	: Mr. S.P. Yuaraj
For Respondents	: Mr. J. Chandran for R2
	R1 & R3 – Notice dispensed with



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JUDGMENT

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

2. Shortly stated, on 18.08.2022 at about 1.15 p.m., when the deceased Ravi @ Ravikumar was riding his two wheeler bearing Registration No.TN-30-AZ-6446 from Kaveripuram to Kolathur in Kovindapadi Kolathur road, a two wheeler bearing Registration No.TN-93-D-2929, ridden by its rider in a rash and negligent manner, came in the opposite direction and hit against the two wheeler of the said Ravi, due to which, the deceased was thrown out. He was immediately taken to Government Hospital, Mettur, where he died. The legal representatives of the deceased preferred a claim petition for a compensation of Rs.50,00,000/- for the loss caused to them due to the death of the deceased Ravi.

3. The 2nd respondent resisted the claim petition stating that they are not liable to pay compensation to the claimants since the offending vehicle was driven by a minor without driving license. Hence, prayed to dismiss the said

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Claim Petition.

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4. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent riding of the rider of the 1st respondent vehicle and that the claimants are entitled to claim compensation. A compensation of Rs.14,05,000/- was awarded by the Tribunal and the 2nd respondent was directed to pay the said compensation to the claimants together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation, at the first instance and then recover the same from the 1st respondent, since he allowed his vehicle to be ridden by a minor without driving license.

5. Mr. S.P. Yuaraj, the learned counsel for the appellants / claimants submits submits that the deceased was a lorry owner earning a sum of Rs.25,000/- per month, however, the Tribunal had fixed the monthly income of the deceased notionally at Rs.10,000/- 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.



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6. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that the Tribunal, after analysing the oral and documentary evidence, has awarded a just compensation, which requires any interference by this Court.

7. Heard on both sides. Records perused.

8. 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 his death are not in dispute. The aforesaid findings of the 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.

9. Now, the question arises as to whether fixing of notional monthly income of the deceased at Rs.15,000/- and the compensation awarded under the other heads by the Tribunal is appropriate and reasonable.



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10. 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.10,000/-. However, considering the year of accident and the facts and circumstances of this case, this Court deems it fit to fix the monthly income of the deceased at Rs.18,000/-. Since there are 4 dependants, 1/4 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 601**, 25% is added towards future prospects and multiplier 14 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.18,000/-

25% Future Prospects = Rs.22,500/-

Loss of dependency

= Rs.22,500/- x 12 x 14 - 1/4

= Rs.28,35,000/-



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It is seen from the impugned order that no amount was granted towards 'Loss of Estate' and that only a sum of Rs.40,000/- was awarded towards 'Loss of Consortium'. Compensation towards loss of consortium is not restricted to the spouse and it extends to children (including adult children) and parents. 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%. Accordingly, a sum of Rs.1,76,000/-, Rs.16,500/- and Rs.16,500/- are awarded under the heads of "Loss of Consortium", "Funeral Expenses" and "Loss of Estate", respectively.

11. In view of the above discussions, 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 Income	12,60,000/-	28,35,000/-	Enhanced
2.	Loss of love and affection	80,000/-	-	



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3.	Loss of consortium	40,000/-	1,76,000/- (Rs.44,000/- x 4)	Enhanced
4.	Funeral Expenses	25,000/-	16,500/-	Reduced
5.	Loss of estate	-	16,500/-	granted
	Total	14,05,000/-	30,44,000/-	Enhanced by Rs.16,39,000/-

12. 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.30,44,000/- from Rs.14,05,000/-.
- 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. 30,44,000/- (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, at the first instance, 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.440 of 2022 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem, and then recover the same from the 1st



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respondent.

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- v. The appellants 1,2 and 4 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. The share of the third appellant, as apportioned by the Tribunal, with costs and interests, shall be deposited in a fixed deposit in any one of the Nationalised bank until he attain majority, and the guardian of the minor appellant/claimant is permitted to withdraw the interest amount accrued thereon once in three months.
- vi. The appellants are not entitled to any interest for the default period in filing this appeal.

25.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Special District Judge,
Motor Accidents Claims Tribunal, Salem.
2. The Oriental Insurance Company Limited,
Divisional Office, Fort Main Road, Salem 1.

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