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C.M.A.Nos.128 and 1230 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.Nos.128 and 1230 of 2026

C.M.A.No.128 of 2026

- 1.A.Selvam
2. Mrs.Jasintha
3. S.Arun Pandian
- 4.S.Rajendra Prasath

... Appellants

VS

- 1.P.Parasuraman
2. The Manager
Cholamandalam MS General Insurance Co. Ltd.,
Third Party Cell
No.163-A, 2nd Floor, Hari Nivas Tower
Thambu Chetty Street
Parry's Corner
Chennai - 600 001

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the decree and judgment dated 25.08.2025 made in M.C.O.P.No.4055 of 2022 on the file of Motor Accident Claims Tribunal (VI Judge, Court of Small Causes), Chennai.



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For Appellants : Mr.K.Varadha Kamaraj

For Respondents : Mr.M.B.Raghavan
for M/s.M.B,Gopalan Associates
for R2

C.M.A.No.1230 of 2026

The Manager
Cholamandalam MS General Insurance Co. Ltd.,
Third Party Cell
No.163-A, 2nd Floor, Hari Nivas Tower
Thambu Chetty Street
Pary's Corner
Chennai - 600 001

... Appellant

VS

1.A.Selvam
2.Jasintha
3. S.Arun Pandian
4.S.Rajendra Prasath
5.P.Parasuraman

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the decree and judgment dated 25.08.2025 made in M.C.O.P.No.4055 of 2022 on the file of Motor Accident Claims Tribunal (VI Judge, Court of Small Causes, Chennai).

For Appellant : Mr.M.B.Raghavan
for M/s.M.B,Gopalan Associates

For Respondents : Mr.K.Varadha Kamaraj
for R1 to R4



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COMMON JUDGMENT

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[Judgment of the Court was delivered by **K.RAJASEKAR, J**]

C.M.A.No. 128 of 2026 has been filed by the claimants and C.M.A.No.1230 of 2026 has been filed by the Insurance Company. Both the appeals have been filed challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal (VI Judge, Court of Small Causes), Chennai in M.C.O.P.No.4055 of 2022, by award dated 25.08.2025.

2. For the sake of convenience, the parties are referred to by their respective ranks before the Tribunal.

3. It is the case of the claimants that on 22.05.2022, at about 02.45 a.m., when the deceased was travelling as a pillion rider in a motorcycle bearing Registration No.TN11 AK 3340 at Selaiyur - Velachery main road, in front of Ashok Timber Shop junction, a lorry bearing Registration No.TN 11 J 3085 driven by its driver in a rash and negligent manner, hit the motorcycle of the deceased, due to which the deceased sustained head injuries and died subsequently.



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4. The second respondent Insurance Company resisted the claim on the ground that the accident had occurred only due to the negligence on the part of the driver of the motorcycle in which the deceased travelled. It was also contended that the compensation claimed by the claimants is highly exorbitant. Hence, the second respondent sought for dismissal of the claim petition.

5. Before the Tribunal, on the side of the claimants, PWs 1 and 2 were examined and Exs.P1 to P21 were marked. On the side of the second Respondents, no witness was examined and no documents were marked.

6. The Tribunal, on appreciation of materials and evidence, more particularly the copy of the final report filed against the first respondent lorry driver and the evidence of PW2, who is an eye witness to the accident, has come to the conclusion that the accident had occurred due to the rash and negligent act of the driver of the 1st respondent lorry bearing Registration No.TN-11-J-8085 and directed the second respondent, being the insurer of the lorry, to pay the compensation to claimants. Aggrieved by the the quantum of compensation awarded by the Tribunal, both, the claimants and the second respondent Insurance Company are before this Court with the



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present appeals.

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7. Heard learned counsel for claimants and learned counsel for second respondent insurance company.

8. The learned counsel for the appellants/claimants would submit that though the pay slip of the deceased has been produced to prove the income of the deceased as Rs.20,000/-, the Tribunal has taken only Rs.16,000/- as notional monthly income. According to learned counsel, the compensation awarded by the Tribunal is on the lower side and the Tribunal ought to have awarded just compensation considering the occupation of the deceased.

9. The learned counsel appearing for the 2nd respondent Insurance Company submitted that the Tribunal erred in not considering the fact that out of 4 dependants, two brothers are aged 25 years and 23 years and therefore, they cannot be considered as dependents on the deceased. He further contended that the compensation awarded under the other heads also on the higher side.

10. We have carefully considered the arguments advanced on both sides and perused the materials placed before this Court.



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11. The accident has been taken place in the year 2022. The deceased

was 19 years old at the time of accident and he was working as a Karate School Coach and his salary certificate was marked as Ex.P13. Though the claimants have produced salary certificate, the Tribunal had fixed the monthly income of deceased only at Rs.16,000/- on the ground that the employer of the deceased was not examined. Considering the fact that he was working as the Karate Coach, which was not disputed, monthly income of the deceased is fixed at Rs.20,000/- and same would be reasonable, considering date of accident. Since the deceased died as a bachelor, 50% shall be deducted towards his personal expenses and hence, the Tribunal was not justified in deducting 1/4 towards personal expenses. Accordingly, the compensation payable under the head 'loss of dependency' is re-calculated as follows:

Monthly income	:	Rs.	20,000/-
Add: Future Prospects	:	Rs.	8,000/-
40% of Rs.20,000/-	:	-----	
		Rs.	28,000/-
Less: Personal expenses			
50% of Rs.28,000	:	Rs.	14,000/-



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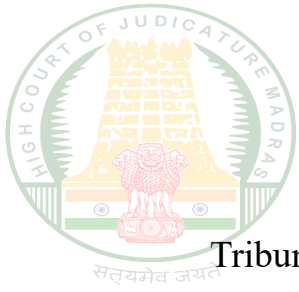
Rs. 14,000/-
Annual income (14,000 * 12) : Rs. 1,68,000/-
Multiplier : x 18

Rs.30,24,000 /-

12. We are of the view that the compensation awarded under other heads does not require any interference and the same is confirmed. Accordingly, the modified compensation payable would be:

Sl.No.	Compensation awarded under the head	Award of the Tribunal (in Rs.)	Award of this Court (in Rs.)
1.	Loss of dependency	36,28,800/-	30,24,000/-
2.	Loss of consortium	1,76,000/-	1,76,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral expenses	16,500/-	16,500/-
	Total	38,37,800/-	32,33,000/-

14. Accordingly, the compensation of Rs.38,37,800/- awarded by the



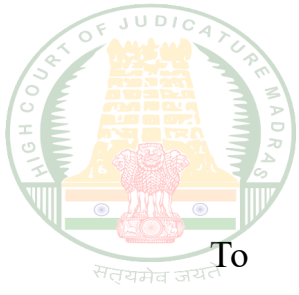
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Tribunal is hereby reduced to Rs.32,33,000/- [Rupees Thirty Two Lakhs Thirty Three Thousand only]. The second respondent Insurance Company is directed to deposit the compensation amount of Rs.32,33,000/- [Rupees Thirty Two Lakhs Thirty Three Thousand only], less the amount already deposited, together with proportionate interest and cost, within a period of four weeks from the date of receipt a copy of this judgment. On such deposit, claimants are entitled to withdraw the same as apportioned by the Tribunal on due application.

These Civil Miscellaneous Appeals are disposed of on above terms.
No costs. Consequently, the connected miscellaneous petition is closed.

[C.V.K., J] [K.R.S., J]
04.06.2026

Index: Yes/No
Neutral citation: Yes/No
gpa



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To

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1. The Motor Accident Claims Tribunal
(VI Judge, Court of Small Causes), Chennai
2. The Section Officer
VR Section
Madras High Court



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C.V. KARTHIKEYAN, J

and

K.RAJASEKAR, J

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