IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 3906 of 2025

1. Sathiyabama,
   W/o. Kumaravel,
   Permanently at No.224/2,
   Nadukuppam, Mathanagopalapuram,
   Chathiram,
   Kullanchavadi,
   Cuddalore-607 301.

2. K.Pradheep,
   S/o. Kumaravel,
   Permanently at No.224/2, Nadukuppam,
   Mathanagopalapuram, Chathiram,
   Kullanchavadi,
   Cuddalore-607 301.

3. K.Renugadevi
   D/o. Kumaravel,
   Permanently at No.224/2, Nadukuppam,
   Mathanagopalapuram, Chathiram,
   Kullanchavadi,
   Cuddalore-607 301.

4. Minor K.Guna,
   S/o. Kumaravel,
   Permanently at No.224/2, Nadukuppam,
   Mathanagopalapuram, Chathiram,
   Kullanchavadi,
   Cuddalore-607 301.

   (Minor rep by Mother, Guardian NF,
   Sathiyabama, 1st Petitioner herein)

..Appellant(s)

Vs

1. Senthilmurugan,
   S/o. Palaniyappan,
   No.219, New Street,
   Varakkalpattu,
   Cuddalore-607 109.

2. The Manager,
   Cholamandalam MS General Insurance
   Company Limited,
   II Floor, Shaw Wallace Building,
   154, Thambu Chetty,
   Parrys Corner,
   Chennai 600 001.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 26.09.2025 M.C.O.P.No.1458 of 2019 on the file of the learned Special District Court II, Motor Accident Claims Tribunal, Cuddalore.

For Appellant(s): Ms.Ramya V.Rao

For Respondent(s): Mr.M.Vijayaraghavan for R2

R1- Served – No appearance

Judgment

This Civil Miscellaneous Appeal has been filed against the Award and Decree dated in M.C.O.P.No.1458 of 2019 dated 26.09.2025 on the file of the learned Special District Court II, Motor Accident Claims Tribunal, Cuddalore.

2.The case arose out of a motor vehicle accident in which the deceased, who was the sole breadwinner of the family, sustained fatal injuries due to the rash and negligent driving of the offending vehicle. The legal heirs of the deceased, being the dependents, filed a claim petition before the Motor Accident Claims Tribunal under Section 166 of the Motor Vehicles Act seeking compensation for the loss caused by the untimely death of the deceased. The claimants contended that the deceased was engaged in a skilled occupation and was earning a substantial monthly income. Due to the sudden demise of the deceased in the accident, the family lost its primary source of livelihood and suffered irreparable financial hardship. Therefore, the claimants sought just and reasonable compensation under various heads such as loss of dependency, consortium, funeral expenses and other conventional heads. The respondents, including the owner and insurer of the offending vehicle, resisted the claim mainly disputing the income of the deceased and the quantum of compensation claimed.

3.Upon appreciation of the oral and documentary evidence, the Tribunal held that the accident occurred solely due to the rash and negligent driving of the driver of the offending vehicle and therefore fastened liability upon the insurer of the vehicle. However, while determining the quantum of compensation, the Tribunal fixed a notional income which was considerably lower than what was claimed by the claimants, on the ground that there was no documentary proof regarding the exact income of the deceased. The Tribunal then proceeded to calculate the compensation by adopting the multiplier method but arrived at a compensation which, according to the claimants, was inadequate and not commensurate with the actual earning capacity of the deceased. Aggrieved by the inadequate quantum of compensation, the claimants preferred an appeal before the High Court seeking enhancement of the compensation.

4. The learned counsel appearing for the appellants/claimants submits that though the Tribunal rightly fixed negligence on the driver of the first respondent's vehicle, it erred in awarding inadequate compensation. The deceased Kumaravel, aged about 43 years, was working as a mason earning Rs.20,000/- per month, but the Tribunal wrongly fixed the notional income at Rs.15,000/- without properly appreciating the evidence of PW1 and PW3, which establishes his occupation. It is further contended that the Tribunal failed to consider the prevailing wages of skilled labourers and the increasing cost of living, and therefore the income ought to have been fixed at not less than Rs.20,000/-. In any event, the fixation of Rs.15,000/- for a 2019 accident is very meagre and warrants interference.

5.The learned counsel also submits that the Tribunal incorrectly fixed the age of the deceased as 48 years, whereas Ex.P2 (Postmortem Certificate) and Ex.P3 (Death Certificate) indicate that the deceased was 43 years old, which would affect the appropriate multiplier. Further, it is argued that the Tribunal ought to have granted just and reasonable compensation under the conventional heads, such as loss of consortium, loss of estate and funeral expenses, in accordance with the principles laid down by the Hon'ble Supreme Court in Pranay Sethi and subsequent judgments. Hence, the appellants seek enhancement of compensation by refixing the income, adopting the correct age and multiplier, and awarding proper amounts under the conventional heads.

6.Per contra, the learned counsel appearing for the Insurance Company submitted that the Tribunal had rightly assessed the compensation based on the available evidence and the absence of documentary proof regarding the income of the deceased justified the fixation of a lower notional income. It was further contended that the compensation awarded by the Tribunal was reasonable and therefore did not warrant interference by the appellate Court.

7.This Court has carefully considered the submissions made on either side and perused the materials available on record.

8.In the present case, the Tribunal has fixed the notional income of the deceased at Rs.15,000/- per month. It is the contention of the appellants that the deceased was working as a mason and earning Rs.20,000/- per month. The evidence of PW1 and PW3 coupled with the documents produced on the side of the claimants clearly establishes that the deceased was engaged in masonry work. A mason is a skilled labourer, and therefore his earning capacity cannot be equated with that of an unskilled worker. It is also to be noted that the accident occurred in the year 2019. Taking into account the nature of work of the deceased, the prevailing wages of skilled labourers and the rising cost of living, this Court is of the considered view that the monthly income fixed by the Tribunal at Rs.15,000/- is on the lower side. Therefore, this Court deems it appropriate to refix the monthly income of the deceased at Rs.17,000/-. The deceased was aged 48 years at the time of the accident as determined by the Tribunal. Further, the claimants are entitled to 25% addition towards future prospects, since the deceased was self-employed and aged between 40 and 50 years. Accordingly, the calculation would be as Rs.24,86,250/- [Rs.17,000/- x 25%x ¼ x 12x13]. The total compensation payable to the claimants is calculated as follows:

Sl.No	**Head of Compensation**	**Amount**
1	Loss of Income	-Rs.24,86,250/-
2	Loss of Spousal Consortium	-Rs.48,000/-
3	Loss of Parental Consortium	-Rs.1,44,000/-
4	Funeral Expenses	-Rs.36,000/-
5	Transportation	-Rs.10,000/-
	Total	-Rs.27,24,250/-

9.Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.27,24,250/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.1458 of 2019 on the file of the learned Special District Court II, Motor Accident Claims Tribunal, Cuddalore, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default period. On such deposit, the claimants 1 to 3 are permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

10.The share of the minor/4th claimant shall be deposited in any one of the Nationalised Banks in fixed deposit under the reinvestment scheme initially for a period of three years. The interest accruing on the share of the minor/4th claimant shall be paid to the mother of the minor, once in three months, till he attains majority.

11.The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

26-02-2026

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

To

1.The Special District Court II,
Motor Accident Claims Tribunal,
Cuddalore.

2.The Section Officer,
V.R. Section,
Madras High Court.

K.GOVINDARAJAN THILAKAVADI J.

MPS

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