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CMA No. 932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2026

CORAM

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

CMA No. 932 of 2026

1.S.Suganthi

2.L.Sekar

..Appellant(s)

Vs.

1.K.Ayyadurai

2.The New India Assurance Company Limited,
No.232, 6th Floor, N.S.C.Bose Road,
Chennai – 600 001.

..Respondent(s)

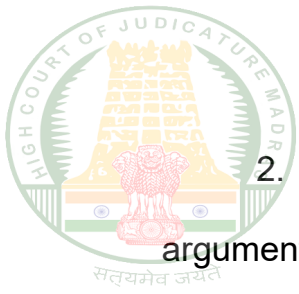
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988, seeking enhancement of compensation awarded in the Judgment and Decree dated 27.08.2024 passed in M.C.O.P.No.3393 of 2021 on the file of the Motor Accident Claims Tribunal, Chennai, (Special Sub Court No.I Small Causes Court, Chennai).

For Appellant(s): Mr.K.Ayyadurai

For Respondent(s): Mr.J.Chandran for R2

JUDGMENT

Not satisfied with the Award dated 27.08.2024 passed in M.C.O.P.No.3393 of 2021 on the file of the Motor Accident Claims Tribunal / Special Sub Court No.I, Small Causes Court, Chennai, the Claimants herein have preferred this Civil Miscellaneous Appeal for enhancement of compensation.



2. By consent, the matter is taken up for final hearing and the arguments advanced by either side were heard.

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3. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

4. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988, by the father and mother of the deceased Cheran Sebastian, claiming compensation of Rs.40,00,000/- for the death of the said Cheran Sebastian, who died on account of the road traffic accident that took place on 16.03.2020.

5. At trial, to substantiate the claim, on the side of the appellants/claimants, two witnesses were examined and fourteen documents were marked. The copy of the postmortem certificate of the deceased is Ex.P3. On the side of the second respondent, neither any witness was examined nor any document was filed or marked.

6. The Tribunal, upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, held that the second respondent is liable to pay compensation and granted a sum of Rs.18,28,600/- with interest at the rate of 7.5% per annum from the date of claim petition and the amounts granted under various heads are given hereunder:-



“For loss of dependency - Rs.17,13,600/-; for loss of consortium - Rs.80,000/-; for loss of estate - Rs.15,000/-; for funeral expenses - Rs.15,000/-; for transportation charges - Rs.5,000/-. In toto, a sum of Rs.18,28,600/-.”

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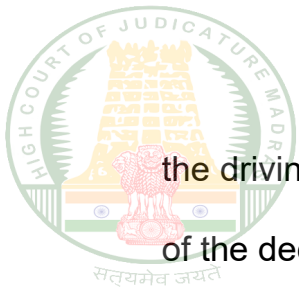
7. The learned counsel for the appellants/claimants urged the following grounds:-

(i) The Tribunal has fixed the notional monthly income of the deceased at Rs.12,000/-, which is on the lower side.

(ii) The next ground urged is that the amount awarded under the head - loss of consortium by the Tribunal is not adequate and therefore sought for enhancement of compensation.

8. Per contra, the learned counsel for the second respondent/Insurance Company strenuously contended that the Tribunal, by taking into account the age, avocation, income of the deceased and the other attending circumstances, has granted compensation under various heads, which appears to be reasonable and acceptable, and according to him, it does not warrant any interference by this Court.

9. The manner in which the accident took place is not in dispute. It has come on record through the evidence of PW1 that the deceased was working as a lorry driver and earning a sum of Rs.30,000/- per month at the time of accident. The road accident that occurred on 16.03.2020. Ex.P7 is the copy of



the driving licence of the deceased. In order to substantiate the income details of the deceased, no concrete proof was filed and marked.

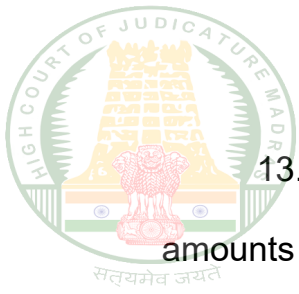
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10. As per the entries found in Ex.P7, copy of the driving licence of the deceased, the age of the deceased at the relevant point of time was 29 years. The accident occurred on 16.03.2020. Based on the aforesaid details, this Court deems it fit to assume the notional income of the deceased at Rs.18,000/- per month.

11. As held by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi** reported in **2017 (2) TAN MAC 609 (SC)**, standard addition towards future prospects is required to be added for computing loss of dependency. As the age of the deceased is taken as below 40 years, 40% has to be added towards future prospects. Further, as held by the Apex Court in **Sarla Verma v. Delhi Transport Corporation** reported in **2009 (2) TAN MAC 1 (SC)**, 50% is to be deducted towards personal expenses, since the deceased died as a bachelor. The relevant multiplier to be adopted is '17'. Based on the aforesaid details, for computing loss of dependency, the following formula emerges:-

$$\text{Rs.18,000/-} + 40\% - 1/2 \times 12 \times 17 \text{ m} = \text{Rs.25,70,400/-}$$

12. Thus, the compensation towards loss of dependency is fixed at Rs.25,70,400/-.



13. As regards the amounts awarded under the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable hence it does not warrant any interference by this Court. The amounts granted by this Court as mentioned supra after rework are tabulated hereunder:-

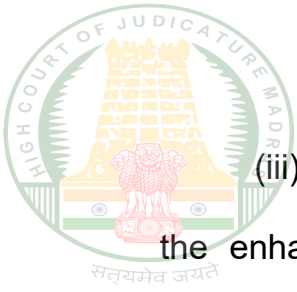
Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1.	Towards loss of dependency	Rs.17,36,000/-	Rs.25,70,400/-	Enhanced
2.	Towards loss of consortium	Rs.80,000/-	Rs.80,000/-	Confirmed
3.	Towards loss of estate	Rs.15,000/-	Rs.15,000/-	Confirmed
4.	Towards Funeral expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
5.	Towards Transportation Charges	Rs.5,000/-	Rs.5,000/-	Confirmed
	Total	Rs.18,28,600/-	Rs.26,85,400/-	Enhanced

14. Thus, the compensation awarded by the Tribunal is enhanced from Rs.18,28,600/- to Rs.26,85,400/-, which shall carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

15. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.18,28,600/- to Rs.26,85,400/-.



(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court, i.e., **Rs.26,85,400/-** (less the amount already deposited, if any), together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs (excluding the period of default, if any), to the credit of M.C.O.P.No.3393 of 2021 on the file of the Motor Accident Claims Tribunal / Special Sub Court No.I, Small Causes Court, Chennai, within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellants/claimants are permitted to withdraw the award amount with accrued interest, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal.

(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

01-06-2026

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

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To:

1. The Motor Accident Claims Tribunal /
I Special Sub Court No.I, Small Causes Court, Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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R.KALAIMATHI, J.

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