



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1929 of 2026

1. Devi
D/o.Late Rajamanickam
2. Priya
D/o.Late Rajamanickam
3. Tamilselvi
D/o.Late Rajamanickam

..Appellants

Vs

1. E.Sargunam
W/o.V.S.Elangovan
2. The Divisional Manager
Oriental Insurance Company Ltd,
Divisional Office,
179, Eswaran Koil Street,
Pondicherry 605 601.

Chinnappa @ Chinnapillai (Died)

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgement and decree dated 30-01-2015 made in MCOP.No.583 of 2013 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.



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For Appellants : Mr.P.Dinesh Kumar
for Mr.Mukund R.Pandiyan

For Respondents : Mr.K.Swaminathan [R2]

JUDGMENT

This appeal has been filed by claimants against the award passed by the Motor Accident Claims Tribunal, Krishnagiri, in M.C.O.P.No.583 of 2013 dated 30.01.2015 and they are seeking enhancement of compensation.

2. The claimants are the daughters of the deceased Rajamanickam. The deceased was riding a two wheeler on 05.08.2011 at Chennai - Bengaluru NH7 road and at about 9.05 a.m., the offending vehicle, a lorry, which was coming in the same direction, hit the vehicle on the rear side and as a result of which, the rider of the two wheeler sustained fatal injuries. A First Information Report came to be registered in Crime No.475 of 2011 against the driver of the lorry. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.7,82,000/- under



various heads as follows:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Future loss of income	6,72,000/-
2.	Loss of love and affection	75,000/-
3.	Transport to hospital	15,000/-
4.	Funeral expenses	20,000/-
	Total	7,82,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a.

4. The claimants have filed the present appeal seeking enhancement of compensation.

5. Heard learned counsel for appellants and learned counsel for second respondent.

6. The main ground that was raised by learned counsel for appellants is that the Tribunal had fixed a very low notional monthly income at Rs.6,000/- for an accident that took place in the year 2011. Learned counsel submitted that the Tribunal ought to have fixed the notional income at Rs.9,000/-.

7. *Per contra*, learned counsel for second respondent insurance company submitted that there was no proof for the income of the deceased and



considering the fact that the accident had taken place in the year 2011, the Tribunal had fixed the notional income at Rs.6,000/-, which is reasonable and that the same does not require the interference of this Court.

8. This Court carefully considered the submissions made on either side.

9. Considering the fact that the accident had taken place in the year 2011 and taking note of the fact that there are three claimants, who are daughters of the deceased, this Court is inclined to fix the notional monthly income at Rs.7,500/-. Accordingly, the loss of income would be Rs.8,40,000/- $[(7500 - 2,500(1/3)) * 12 * 14]$. The compensation fixed under the other heads are just and proper and does not require any interference of this Court.

10. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Future loss of income	6,72,000/-	8,40,000/-
2.	Loss of love and affection	75,000/-	75,000/-
3.	Transport to hospital	15,000/-	15,000/-
4.	Funeral expenses	20,000/-	20,000/-
	Total	7,82,000/-	9,50,000/-



11. The compensation awarded by the Tribunal at Rs.7,82,000/- is enhanced to Rs.9,50,000/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.1,68,000/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 1120 days as was ordered by this Court in C.M.P.No.7024 of 2022 in C.M.A.Sr.No.49533 of 2018 dated 09.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

29-06-2026

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

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To
The Motor Accident Claims Tribunal,
Special District Court, Krishnagiri.



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N.ANAND VENKATESH, J.

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