



C.M.A.(MD)No.1193 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.06.2026

Delivered on : 25.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.1193 of 2022

1.Packialakshmi

2.Mathiyalagan : Appellants

Vs.

1.Ramanugam

2.The New India Assurance Company Ltd.,
through its Divisional Manager,
No.84-A, Trivandrum road,
Palayamkottai. : Respondents

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the award, dated 03.09.2021 made in M.C.O.P.No.901 of 2017, on the file of the Motor Accident Claims Tribunal (II Additional District Judge) Tirunelveli.

For Appellants : Mr.T.Selvakumaran,

For Respondents : Mr.R.Ramadurai, for R2.

: No Appearance , for R1.



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JUDGMENT

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The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.901 of 2017, dated 03.09.2021, on the file of the Motor Accident Claims Tribunal (II Additional District Judge) Tirunelveli.

2. The appellants/claimants, who were awarded with compensation of Rs.11,20,000/- with interest and cost payable by the second respondent/insurer for the death of Selva Partheeban, consequent to an accident occurred on 06.05.2017, challenged the quantum of compensation awarded at by the Tribunal and claimed enhancement of the same.

3. The learned counsel for the appellants/claimants would mainly contend that the accident was occurred in the year 2017, but the Tribunal, without any basis, fixed the monthly income of Rs.7,500/-, which is on lower side and the Tribunal ought to have fixed the monthly income at Rs.15,000/-; that the Tribunal ought to have added 40% of the income towards future prospects; that the Tribunal has also not awarded any amount towards consortium and that therefore, the total compensation awarded by the Tribunal is liable to be enhanced.



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4. The learned counsel appearing for the second respondent would submit that the Tribunal, taking note of the evidence available on record, has rightly fixed the notional monthly income of the deceased as Rs.7,500/- and arrived at the loss of dependency at Rs.10,80,000/- and that the total compensation awarded at Rs.11,20,000/- does not warrant any interference.

5. The learned counsel for the appellants/claimants placed reliance on the decision of Hon'ble Division Bench of this Court in ***P.Revathi and another Vs. R.Karpagavalli and another*** reported in ***2024(1) TN MAC 1 (DB)***, wherein the notional income was fixed at Rs.9,000/- per month for the deceased, who was studying 11th standard at the time of accident and added 40% of income towards future prospects and deducted 50% of the income towards personal living expenses of the deceased and the relevant passage is extracted hereunder :

22. Mr.S.Arun Kumar, learned counsel for the insurance company would however submit that being a 11th standard student, it will be too premature to assume a larger income for her. This Court and the Hon'ble Supreme Court have



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repeatedly held that this grant of compensation necessarily involves certain amount of guess work and there cannot be mathematical precision in awarding compensation. Considering the overall circumstances, we find that the notional income of Rs.9,000/- per month with an addition of 40% towards future prospects would be just and equitable in the circumstances of the case. If we are to re-work the compensation on the above basis, the monthly income of the deceased should be taken at Rs.12,600/- and multiplier of 18 has to be applied. The total loss of income works out to Rs.12,600/- x 12 x 18 = Rs.27,21,600/-. We have to deduct 50% of the same towards personal expenses and the total loss of dependency would be Rs.13,60,800/-. The two claimants would be entitled to Rs.40,000/- each towards loss of love and affection. They would also be entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/-

6. In the said decision's case, the Division Bench has specifically observed that they have found from the mark sheets filed that the deceased was an intelligent student and had secured above 90% in all subjects in her 10th standard examination that too in the CBSE syllabus and that therefore, they were inclined to agree with the contention of learned counsel for the appellants that the deceased is a very bright student and she would definitely made it big had she been alive.



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7. But in the present case, except producing the transfer certificate, the claimants have not produced any other documents to show that the deceased was a bright student. Moreover, the Tribunal, considering the evidence, has specifically observed that the claimants have not produced any other records to show his exemplary nature or intelligence in pursuing any sports or any extracurricular activities. Admittedly, the deceased Selva Partheeban was 15 years old boy studying 9th standard.

8. Considering the above and also taking note of the fact that the accident was occurred in the year 2017, this Court is inclined to fix the notional income at Rs.8,000/-. As observed by the Hon'ble Division Bench 40% of the income has to be added towards future prospects, after such addition, the notional monthly income comes to Rs.11,200/-. After deduction of 50% of the income towards personal and living expenses of the deceased, the monthly income comes to Rs.5,600/- . Hence, the loss of dependency would be Rs. 12,09,600/- (Rs.5,600/- x 12 x 18)



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9. Admittedly, the first claimant being the mother of the deceased is certainly entitled to get Rs.40,000/- towards filial consortium and they are also entitled to get Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate under the conventional heads and the revised calculation is as follows:

Head of compensation	Amount awarded by the tribunal	Amount confirmed/modified by this Court
Loss of dependency	Rs. 10,80,000/-	Rs. 12,09,600/-
Funeral Expenses	Rs.20,000/-	Rs. 15,000/-
Loss of Love and affection	Rs. 20,000/-	-
Filial consortium		Rs.40,000/-
Loss of Estate		Rs.15,000/-
Total	Rs.11,20,000/-	Rs.12,79,600/-

10. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs and the above point is answered accordingly.



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11. In the result, the Civil Miscellaneous Appeal is allowed and the compensation awarded by the tribunal is **enhanced from Rs.11,20,000/- to Rs.12,79,600/- (Rupees Twelve Lakhs Seventy Nine Thousand and Six Hundred Only)**. Out of the said compensation amount, the first claimant/mother of the deceased is entitled to get Rs.9,79,600/- and the second claimant/brother of the deceased is entitled to get Rs.3,00,000/-. The second respondent /Insurer is directed to deposit the modified amount with interest at 7.5% per annum, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited, and on such deposit, the claimants are permitted to withdraw the award amount with accrued interest and costs, less amount already withdrawn, if any, by filing a necessary application before the Tribunal. The parties are directed to bear their own costs.

25.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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To

- 1.Motor Accident Claims Tribunal
(II Additional District Judge) Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
C.M.A(MD)No.1193 of 2022

Dated :25.06.2026