

C.M.A(MD)Nos.437 and 395 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.B.BALAJI**

**C.M.A(MD)Nos.437 and 395 of 2026
and**

CMP.(MD).No.3762 of 2026

CMA.(MD).No.437 of 2026

1.Arockiyasuvitha

2.Minor Jonisha

(Minor represented by her mother and natural guardian, the first
appellant herein)

3.Selvam

4.Motcham

... Appellants

Vs.

1.Thynas

2.The Branch Manager,
United India Insurance Company,
Ayira Vysya Higher Secondary School Opposite,
Paramakudi Nagar, Ramanathapuram District.

3.Mani Bhorik Yadav

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4. The Branch Manager,
Reliance General Insurance Company Limited,
No.4, D Block,
D1 Police Quarters,
Triplicane,
Chennai-600 005.

... Respondents

(No relief against Respondent Nos.1 and 3. Hence notice not necessary for respondent Nos.1 and 3)
(Notice to Respondent Nos.1 and 3 is dispensed with vide order of this Court dated 26.03.2026)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, against the award dated 29.04.2024 passed in MCOP.No.117 of 2021 on the file of the Motor Accident Claims Tribunal (Additional District Court), Paramakudi and enhance the compensation.

For Appellants	: Mr.K.Dileeban
For R-2	: Mr.I.Robert Chandra Kumar
For R-4	: Mrs.K.R.Shiva Shankari

CMA.(MD).No.395 of 2026

The Branch Manager,
Reliance General Insurance Company Limited,
No.4, D Block,
D1 Police Quarters,
Triplicane,
Chennai-600 005.

... Appellant

Vs.



C.M.A(MD)Nos.437 and 395 of 2026

1.Arociyasuvitha

2.Minor Jonisha

(Minor represented by her mother and natural guardian, the first respondent herein)

3.Selvam

4.Motcham

5.Thynas

6.The Branch Manager,

United India Insurance Company,

Ayira Vysya Higher Secondary School Opposite,

Paramakudi Nagar, Ramanathapuram District.

7.Mani Bhorik

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, against the award dated 29.04.2024 passed in MCOP.No.117 of 2021 on the file of the Motor Accident Claims Tribunal (Additional District Court), Paramakudi.

For Appellant : Mrs.K.R.Shivashankari

For R-1 to R-4 : Mr.K.Dileeban

For R-6 : Mr.I.Robert Chandra Kumar

COMMON JUDGMENT

**(Common Judgment of the Court was delivered by
P.B.BALAJI, J.)**

Both the claimants as well as the Insurance Company have preferred appeals challenging the award passed by the Tribunal.



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2. The claimants have preferred C.M.A.(MD).No.437 of 2026 and the Insurance Company has preferred C.M.A.(MD).No.395 of 2026.

3. The case of the claimants is that the deceased, who was employed as a Driver, died in the road accident that occurred on 06.11.2020. The claimant Nos.1 and 2 are the wife and son of the deceased and the claimants Nos.3 and 4 are the parents of the deceased. Seeking compensation for the death of the deceased Anand, the claimants / appellants filed the claim petition before the Tribunal claiming a sum of Rs.40,00,000/-, together with applicable interest. The claim was resisted by the Insurance Company denying the arbitrary claim towards the income that was being earned by the deceased Anand and also disputed the claim that the deceased possessed a valid driving license. The Tribunal, after enquiry, awarded a total compensation of Rs.26,80,400/- (Rupees Twenty Six Lakhs Eighty Thousand and Four Hundred only) to the claimants under the following heads:



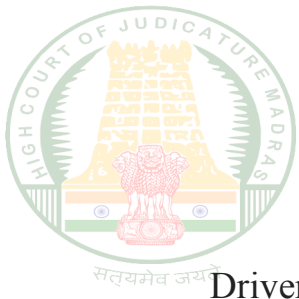
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S. No	Head	Amount
1.	Loss of Dependency	Rs.25,70,400/-
2.	Loss of consortium to the first claimant	Rs.40,000/-
3.	Loss of consortium to the second claimant	Rs.40,000/-
4.	Funeral Expenses	Rs.15,000/-
5.	Loss of Estate	Rs.15,000/-
	Total	26,80,400/-

The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

4. The Insurance Company has challenged the said award on the ground that the claimants have failed to establish the income that was being earned by the deceased and that no acceptable evidence was adduced before the Tribunal to substantiate the same.

5. On the contrary, the claimants have preferred CMA. (MD).No.437 of 2026 before this Court contending that the Tribunal had fixed the income of the deceased at Rs.12,000/- as notional income, which is far below the income that was being earned by the deceased, a



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Driver during the relevant period in the year 2020. In support of his claim, the learned counsel appearing for the claimants relied upon the decision of this Court in the case of *the Legal Manager, Cholamandalam MS General Insurance Company Limited Vs. Moovendran and others* in C.M.A.(MD).No.903 of 2025 dated 13.03.2026, wherein the notional income has been fixed at Rs.18,000/- in respect of an accident that occurred in the year 2022. Reliance was also placed on the judgment of this Court in CMA.(MD).No.457 of 2024 dated 24.06.2025, wherein, the notional income has been fixed at Rs. 17,000/- for an accident that occurred in the year 2018.

6. Per contra, the learned Standing Counsel appearing for the Insurance Company relied upon the judgment of this Court in *Andal's Case*, wherein, the notional income has been fixed at Rs.15,000/- per month.

7. We have carefully gone through the evidence on record as well as the award passed by the Tribunal. We have also taken into the account the decision of this Court, fixing the notional income at Rs.18,000/- per month for an accident that occurred in the year 2022. In



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the present case, admittedly, the accident took place on 06.11.2020. The claimants have also produced a valid driving license of the deceased Anand, which was marked as Ex.P.11. The deceased was aged 30 years at the time of the accident and was survived by his wife and a minor girl, aged four months and his aged parents.

8. Though there is no direct evidence to indicate the income earned by the deceased at the time of the accident, considering the decisions relied upon, particularly, the judgment of the Division Bench of this Court of which one of us (NAVJ) was a party, we proceed to fix the notional income at Rs.17,000/- per month, having regard to the fact that the accident occurred in the year 2020. In view of the notional income being revised and scaled up to Rs.17,000/-, the loss of income is calculated as follows:



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Particulars	Tribunal	High Court
Monthly Income	Rs.12,000/-	Rs.17,000/-
Future prospects	Rs.4,800/-	Rs.6,800/-
Annual Income	Rs.2,01,600/-	Rs.2,85,600/-
Less : Personal Expenses ($\frac{1}{4}$)	Rs.50,400/-	Rs.71,400/-
Annual Contribution to Family	Rs.1,51,200/-	Rs.2,14,200/-
Multiplier	17	17
Loss of Dependency	Rs.25,70,400/-	Rs.36,41,400/-

9. The learned counsel appearing for the claimants have also brought to our notice that the Tribunal has failed to award any amount towards loss of consortium to the parents of the deceased.

10. In view of the decision laid down by the Hon'ble Supreme Court in the case of *National Insurance Company Limited Vs. Pranay Sethi and Others* reported in *AIR 2017 SC 5157 (Special Leave Petition (Civil) No.25590 of 2014 dated 31.10.2017)*, the claimant Nos.3 and 4, being the parents of the deceased, are each entitled to a sum of Rs. 40,000/- towards the loss of consortium. Further, the amount towards funeral expenses is also enhanced to Rs.25,000/- from Rs.15,000/-. The



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compensation awarded by the Tribunal under the other heads is found to be just and reasonable and is accordingly confirmed. Consequently, the award passed by the Tribunal is modified as follows:

S. No	Head	Amount awarded by the Tribunal	Amount awarded by this Court	Amount confirmed or enhanced or granted or reduced
1.	Loss of Dependency	Rs.25,70,400/-	Rs.36,41,400/-	enhanced
2.	Loss of consortium to the claimant Nos.1 and 2	Rs.80,000/-	Rs.80,000	confirmed
3.	Loss of consortium to the claimant Nos.3 and 4	-	Rs.80,000/-	granted
4.	Funeral Expenses	Rs.15,000/-	Rs.25,000/-	enhanced
5.	Loss of Estate	Rs.15,000/-	Rs.15,000/-	confirmed
	Total	26,80,400/-	Rs.38,41,400/-	Enhanced by Rs.11,61,000/-



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11. In the result, the claimants' appeal in CMA.(MD).No.437 of 2026 is allowed and the Insurance Company's appeal in CMA.(MD).No. 395 of 2026 is dismissed. The compensation awarded by the Tribunal at Rs.26,80,400/- (Rupees Twenty Six Lakhs Eighty Thousand and Four Hundred only) is hereby enhanced to **Rs.38,41,400/- (Rupees Thirty Eight Lakhs Forty One Thousand and Four Hundred only)**, together with interest at 7.5% per annum and costs. The apportionment of the compensation amongst the claimants will be on the same lines on which the Tribunal has directed distribution. The Insurance Company is directed to deposit the enhanced award amount with interest and costs, from the date of petition till the date of realization, excluding default period, if any, to the credit of M.C.O.P.No.117 of 2021 on the file of the Motor Accident Claims Tribunal / Additional District Court, Paramakudi, after deducting the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. The share of the minor second appellant shall be deposited in any one of the Nationalized Banks till she attains majority. The first appellant, who is the mother of the minor second appellant, is permitted to withdraw the



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interest of minor once in three months directly from the Bank. No costs.

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Consequently, the connected Miscellaneous Petition is closed.

[N.A.V., J.] [P.B.B., J.]
09.06.2026

NCC :Yes/No
Index :Yes/No
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To

1.The Motor Accident Claims Tribunal (Additional District Court),
Paramakudi.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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AND

P.B.BALAJI,J.

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