BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2026

CORAM:

THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

C.M.A(MD)Nos.455 and 505 of 2025
and
CMP.(MD).No.5114 of 2025

CMA.(MD).No.455 of 2025

1.T.Shanmugapriya

2.Minor U.Deepti
(represented by through the first petitioner / natural guardian mother)

3.Minor U.Sriram Rudra
(represented by through the first petitioner / natural guardian mother)

... Appellants

Vs.

1.I.Fakruddin

2.The Branch Manager,
M/s.Shriram General Insurance Company Limited,
H.A.K. Road,
Chinnachokkikulam,
Madurai.

3.S.Dhanaraj

4.The Divisional Manager,
M/s. HDFC Ergo General Insurance Company Limited,
68, 3rd Floor,
Kamarajar Salai, Krishnapuram,
Old Kuyavar Palayam Salai,
Madurai-625 009.

5.V.Vijayalakshmi ... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to enhance the award amount passed by the learned Special District Judge (Motor Accident Claims Tribunal), Madurai in fair order dated 06.01.2025 of MCOP.No.1220 of 2022 by modifying the same.

For Appellants : Mr.A.Liaketali

For R-2 : Mr.N.Shylappakalyan

For R-4 : Mrs.K.R.Shivashankari

For R-5 : Mr.S.Srinivasaraghavan

CMA.(MD).No.505 of 2025

Vijayalakshmi ... Appellant

Vs.

1.Shanmugapriya

2.Minor Deepthi

3.Minor Sriram Ruthra
(Minor / Respondent Nos.2 and 3 represented by their mother and next friend R1, Shanmugapriya)

4.Fakrudin

5.M/s.Sriram General Insurance Company Limited,
Represented by its Branch Manager,
H.A.K.Road, Chinna Chokkikulam,
Madurai.

6.Danaraj

7.Ms.HDFC Ergo General Insurance Company Limited,
Represented by its Regional Manager

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the fair and decreetal order dated 06.01.2025 made in MCOP.No.1220 of 2022 on the file of the Motor Accident Claims Tribunal (Special District Judge for MCOP Cases), Madurai and allow the above appeal.

For Appellant	: Mr.S.Srinivasa Raghavan
For R-1 to R-3	: Mr.A.Liaketali
For R-5	: Mr.N.Shylappakalyan
For R-7	: Mr.K.R.Shivashankari

COMMON JUDGMENT

(Common Judgment of the Court was delivered by N.ANAND VENKATESH, J.)

CMA.(MD).No.505 of 2025 has been filed by the mother of the deceased questioning the apportionment of the compensation made in favour of the mother of the deceased out of the total compensation determined by the Tribunal and also seeking for enhancement of compensation.

2. CMA.(MD).No.455 of 2025 has been filed by the wife and children of the deceased seeking for enhancement of compensation against the award passed by the Motor Accident Claims Tribunal (Special

District Judge for MCOP Cases), Madurai in MCOP.No.1220 of 2022 dated 06.01.2025.

3. The claimant Nos.1 to 3 are the wife and children of the deceased Umashankar and claimant No.4 is the mother of the deceased. The case of the claimants is that on 06.03.2022, the deceased along with his colleagues went to a Temple in a car and at about 03.00 a.m., the tyre got punctured and hence, the car was parked on the extreme left side of the road in Thumkur-Hiriyuru National Highways. At that point of time, the offending vehicle which is a lorry was driven in a rash and negligent manner and had dashed on the rear side of the car and in that process, it hit the deceased, as a result of which, the deceased sustained multiple injuries and died on the way to the hospital. Based on the same, an FIR came to be registered in Crime No.40 of 2022 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4. 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.

5. Having rendered the above finding, the Tribunal fixed the total compensation amount at Rs.88,74,120/- under the following heads:

S.No.	Head	Amount
1.	Loss of Income	Rs.86,79,120/-
2.	Loss of Consortium and loss of love and affection (each) (Rs. 40,000/-*4)	Rs.1,60,000/-
3,	Transport Charges	Rs.5,000/-
4.	Funeral Expenses	Rs.15,000/-
5.	Loss of Estate	Rs.15,000/-
	Total	Rs.88,74,120/-

6. The Insurance Company has not filed any appeal against the award passed by the Tribunal and has deposited the entire compensation amount along with the accrued interest.

7. These appeals have been filed by the claimants challenging the award of the Tribunal with respect to the apportionment of compensation amount and seeking for enhancement of compensation.

8. When the matter came up for hearing on 27.04.2026, this Court dealt with the applications that were filed in CMA(MD).No.505 of 2025 and passed the following order:

> "*CMP (MD) No.5114 of 2026 has been filed seeking exemption from payment of court fees payable by the petitioner.*
>
> *2. CMP (MD) No.5115 of 2026 has been filed to amend the memorandum of grounds of appeal in CMA (MD) No.505 of 2025 on the file of this Court.*
>
> *3. We heard the learned counsel for the petitioner, the learned counsel appearing on behalf of the respondents 1 to 3 and the learned Standing Counsel appearing on behalf of the 5th respondent.*
>
> *4. As per the original award passed by the Tribunal, a total compensation of Rs. 88,74,120/- was fixed along with interest at the*

rate of 7.5% per annum and while apportioning this compensation amount, only a sum of Rs. 2,00,000/- was apportioned in favour of the petitioner herein, who is the mother of the deceased. Aggrieved by the same, the appeal has been filed before this Court.

5. It is also brought to our notice that the matter was referred before the Lok Adalat in C.M.A(MD) No.455 of 2025, which was filed by the wife and children of the deceased seeking enhancement of compensation and the Insurance Company was inclined to pay an enhanced compensation of Rs.1,00,00,000/- apart from the amount that was already awarded by the Tribunal. However, there was again a dispute regarding the apportionment of the enhanced amount in favour of the mother of the deceased. Therefore, the Lok Adalat was not in a position to record the compromise and the matter was sent back to the Court.

6. Considering the fact that the dispute revolves only around the apportionment of the compensation amount and in view of the fact that the Insurance Company has come forward to pay *enhanced compensation of Rs.1,00,00,000/- without interest apart from the award amount, we are inclined to deal with the main appeal.*

7. The learned Standing Counsel appearing on behalf of M/s.Sriram General Insurance Company Limited shall file the offer made by the Insurance Company with respect to the enhanced compensation amount and also the proof of deposit of the award amount along with interest. On such filing, we will deal with the limited issue and pass final orders.

8. Post this case on 05.06.2026."

9. Pursuant to the earlier order passed on 27.04.2026, we heard the learned counsel appearing on either side.

10. CMA.(MD).No.455 of 2025 has been filed by the wife and children of the deceased seeking for enhancement of compensation.

11. CMA.(MD).No.505 of 2025 has been filed by the mother of the deceased seeking for appropriate apportionment from the

compensation fixed by the Tribunal.

12. During the pendency of these appeals, the Insurance Company had offered for a full and final settlement of Rs.1 Crore towards full quits.

13. The learned counsel appearing for the appellants in CMA.(MD).No.455 of 2025 on instructions submitted that the offer made by the Insurance Company is not acceptable to the appellants, since the appellants in this appeal are as such not satisfied with the compensation fixed by the Tribunal and they have sought for enhancement.

14. We carefully went through the award passed by the Tribunal. The Tribunal has fixed the total annual income of the deceased at Rs.5,51,055/- based on Ex.P.18. The appellants in CMA.(MD).No.455 of 2025 are questioning the fixation of the income made by the Tribunal. According to them, the deceased was working in Airtel for a period of six months when he would have earned an annual income of Rs.5,20,352/-.

For the remaining six months, he was working in Philips where his annual income was fixed as Rs.5,51,055/-. Therefore, according to the claimants, Rs.5,20,352/- which could have been earned as annual income by the deceased in Airtel should be added to the sum of Rs.5,51,055/- which was the annual income fixed by Philips. Thus, they are claiming a total annual income at Rs.10,71,407/-.

15. In our considered view, the annual income can be taken either by relying upon the annual income fixed by the Airtel or by the annual income fixed by Philips and both those amounts cannot be clubbed. More particularly, since the deceased on the date of the demise was working as Area Sales Manager at Preethi Home Appliances and Ex.P.18 was specifically relied upon by the Tribunal while fixing the annual income. This is the basis on which the claim was made by the claimants and they cannot now come up with a different version at a later point of time. Therefore, we find that the annual income fixed by the Tribunal to the tune of Rs.5,51,055/- is in order.

16. The second ground raised by the claimants seeking for enhancement of compensation under the head of loss of income is based on improper multiplier adopted by the Tribunal without considering the fact that the deceased at the time of demise had not completed 35 years. To substantiate this stand taken by the appellants, Ex.P.5 is relied upon, wherein, the date of birth of the deceased has been entered as 18.03.1986. The deceased died in the accident on 06.03.2022. Therefore, as rightly contended by the learned counsel appearing for the appellants, the deceased had not completed 35 years when he died. Hence, the appropriate multiplier to be adopted is "16".

17. The third ground on which enhancement is sought for under the head of loss of income is that the future prospects was added at 40% by the Tribunal and whereas, the claimants are seeking for addition of 50% towards future prospects. We find that the deceased was working in a private concern and therefore, the Tribunal was perfectly right in adding the future prospects at 40%. The guidelines that were given by the Hon'ble Apex 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)***, when applied to the facts of the present case, justifies the fixation of the future prospects at 40%. Therefore, the finding of the Tribunal in this regard does not require the interference of this Court.

18. In the light of the above discussion, the loss of income is calculated as follows:

Total Annual Income	Rs.5,51,055/-
Add 40 % towards Future Prospects (Rs.5,51,055/- * 40/100)	Rs.2,20,422/-
Total	Rs.7,71,477/-
Deduction of 1/4th towards personal expenses	Rs.1,92,869/-
(-) Balance	**Rs.5,78,608/-**

Considering the age of the deceased, the appropriate multiplier would be "16". Hence, the loss of income would be at Rs.92,57,728/- (Rs,5,78,608*16).

19. The Insurance Company pursuant to the award passed by the Tribunal has already deposited a sum of Rs.1,07,66,224/- along with the accrued interest. Thus, the entire award amount has been deposited by the Insurance Company.

20. In view of the enhancement of the compensation under the head of loss of income to the extent of Rs.5,78,608/-, the interest will be payable at 7.5% on the enhanced amount from the date of filing of the petition on 12.04.2022 till the date of actual deposit.

21. In view of the above, the total compensation amount roughly works out to Rs.1,15,25,647/- if the interest is calculated till 30.06.2026.

22. The only other issue that remains to be resolved is the apportionment of compensation to be made to the wife and children on the one hand and mother of the deceased on the other.

23. Considering the age of the mother and considering the facts and circumstances of the case, we deem it fit to fix the total compensation amount payable to the mother of the deceased (appellant in CMA.(MD).No.505 of 2025) at Rs.20,00,000/- in full quit. The entire balance amount along with the accrued interest will go in favour of the wife and two children.

24. There shall be a direction to the Insurance Company to deposit the enhanced amount of Rs.5,78,608/- along with the accrued interest at the rate of 7.5% interest from the date of filing of the petition till the date of actual deposit, within a period of four weeks from the date of receipt of a copy of this order. The Court fee shall be paid for the enhanced compensation awarded by this Court in both the appeals. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.] **[K.K.R.K., J.]**

10.06.2026

NCC :Yes/No
Index :Yes/No
TSG

To
1.The Accident Claims Tribunal (Special District Judge for MCOP Cases), Madurai.

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

N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.

TSG

C.M.A(MD)Nos.455 and 505 of 2025

10.06.2026