



C.M.A.(MD)No.811 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 17.04.2026

Pronounced on : 24.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.811 of 2024

1.T.Paulthurai

2.T.Suseela

... Appellants/
Petitioners

Vs.

1.P.Senthilkumar

2.ICICI Lombard General Insurance
Company Limited,
represented by its Branch Manager,
Office at 1st Floor, Northern Side,
AA Towers, Plot No.5, Bypass Road,
Madurai, Tamil Nadu-625010.

... Respondents/
Respondents

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 09.08.2023 passed in M.C.O.P.No.11 of 2023 on the file of the Motor Accident Claims Tribunal (Special Judge for Forest Offences Case, Nagercoil) and enhance the compensation.



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For Appellants : Mr.I.Robert Chandra Kumar

For Respondents : Mr.V.Muthu Kamatchi for R2

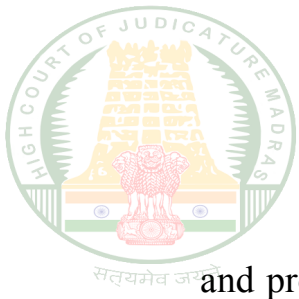
R1 - Ex-parte

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.11 of 2023 dated 09.08.2023 on the file of the Motor Accident Claims Tribunal / Special Court for Forest Offence cases, Nagercoil.

2. The appellants / claimants, who were awarded with compensation of Rs.31,34,000/- (Rupees Thirty One Lakhs and Thirty Four Thousand only) with interest at 7.5% per annum and costs payable by the second respondent / insurer for the death of Varun, consequent to an accident occurred on 21.08.2022, challenged the quantum of compensation awarded at, by the Tribunal and claimed enhancement of the same.

3. The learned counsel appearing for the appellants would contend that the appellants have examined the employer of the deceased as P.W.3

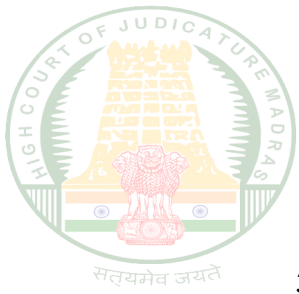


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and produced the salary certificate to show that the deceased was earning Rs.25,000/- per month, but the Tribunal, without properly considering the same, fixed the monthly income at a meagre sum of Rs.20,000/-, that the deceased had completed B.E. Mechanical Engineering in the year 2018 and he started preparing for the Railway Recruitment Board examinations, TNPSC Group-II exams and Combined Civil Services exams, that the deceased had earlier gained experience as an engineer in a car spare parts manufacturing company at Chennai, that the deceased was subsequently working as a painter, earning Rs.25,000/- per month and that therefore, monthly income fixed by the Tribunal is liable to be enhanced.

4. The learned counsel appearing for the second respondent / insurer would submit that P.W.3, the alleged employer of the deceased, has not produced any iota of materials to show that he was running a painting concern, that the deceased was employed under him or that any salary was paid to the deceased, that P.W.3 is an interested witness and neither his testimony nor the certificate issued by him can be relied upon for fixing the monthly income and that the monthly income fixed by the Tribunal is itself on the higher side.

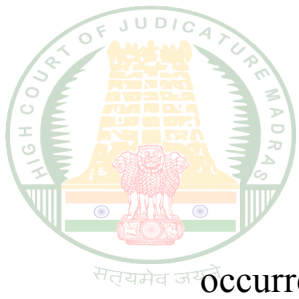


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5. As rightly pointed out by the learned counsel appearing for the second respondent / insurer, P.W.3 has admitted in his evidence that he had not obtained any licence for carrying on the painting business and that he had not produced any document to establish that he was engaged in such business. In the cross-examination, P.W.3 has also admitted that the deceased was a friend of his son. Except producing a certificate stating that the deceased was working under him as a painter and was paid Rs.1,000/- per day, P.W.3 has not produced any attendance register, wage register, account books or any other records to substantiate the said claim. In the absence of any independent documentary evidence corroborating the testimony of P.W.3, this Court is unable to place reliance upon either his oral evidence or Ex.P10 certificate for determining the actual income of the deceased.

6. The Tribunal, placing reliance on the decision of the Division Bench of this Court in *S.Saraswathy and another v. A.Elumalai and another*, reported in **2016 (2) TNMAC 424 (DB)**, fixed the monthly income of the deceased at Rs.20,000/-. The learned counsel appearing for the appellants would submit that in the said case, the accident had



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occurred on 05.08.2011 and the Tribunal had fixed the notional monthly income at Rs.7,500/-. The Division Bench, taking note of the fact that the deceased therein was a final-year engineering student and was also holding shares in the family-run companies from which he was receiving dividend income, as evidenced by his Income Tax Returns, enhanced the notional income to Rs.20,000/- per month. In the case on hand, the deceased had already completed his B.E. (Mechanical Engineering) course and was preparing for various competitive examinations. Having regard to his educational qualification, his previous work experience, the nature of his avocation and, more importantly, the fact that the accident occurred in the year 2022, this Court is of the considered view that the monthly income fixed by the Tribunal is liable to be enhanced and is accordingly fixed at Rs. 25000/-.

7. The Tribunal, considering the consolidated mark statement under Ex.P8 and the convocation certificate under Ex.P9, has rightly fixed the age of the deceased as 25 years.

8. As per the decision of the Hon'ble Supreme Court in *National*



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Insurance Company Limited Vs. Pranay Sethi and others reported in **2017 (2) TN MAC 609 (SC)**, the Tribunal has rightly added 40% of the income towards future prospects and on such addition, it comes to Rs.35,000/- (Rs.25,000/- + Rs.10,000/- (40% of the income)). It is not in dispute that the deceased was a bachelor and hence, 50% of the income is to be deducted and on such deduction, it comes to Rs.17,500/- {Rs.35,000/- - Rs.17,500/-}. The Tribunal, applying the dictum laid down by the Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another** reported in **AIR 2009 SC 3104**, has rightly applied multiplier 18. Hence, the compensation towards loss of dependency is re-assessed at Rs.37,80,000/- (Rs.17,500/- x 18 x 12).

9. The appellants being the parents of the deceased are certainly entitled to get Rs.40,000/- each towards loss of filial consortium and the awarding of Rs.80,000/- for loss of love and affection cannot be found fault with. The Tribunal has rightly awarded Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate under the conventional heads.

10. Considering the above, the appellants are entitled to get total



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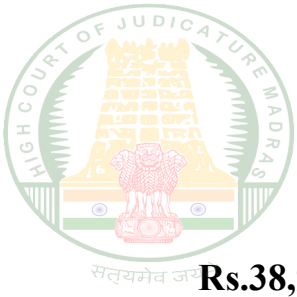
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compensation of Rs.38,90,000/- (Rupees Thirty Eight Lakhs and Ninety Thousand only) and the compensation awarded by the Tribunal is modified as follows:-

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1.	Loss of dependency	30,24,000	37,80,000	Enhanced
2.	Loss of love and affection	80,000	80,000	Confirmed
3.	Funeral expenses	15,000	15,000	Confirmed
4.	Loss of estate	15,000	15,000	Confirmed
	Total	31,34,000	38,90,000	Enhanced by Rs.7,56,000/-

11. 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.

12. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.31,34,000/- (Rupees Thirty One Lakhs and Thirty Four Thousand only) is hereby enhanced to



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Rs.38,90,000/- (Rupees Thirty Eight Lakhs and Ninety Thousand only)

together with interest at 7.5% per annum and costs. The second respondent / insurer is directed to deposit the modified enhanced amount with interest at 7.5% per annum from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.11 of 2023 on the file of the Motor Accident Claims Tribunal / Special Court for Forest Offence cases, Nagercoil, after deducting the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, out of the compensation amount, the first appellant / first claimant is entitled to get **Rs.13,00,000/- (Rupees Thirteen Lakhs only)** and the second appellant / second claimant is entitled to get **Rs.25,90,000/- (Rupees Twenty Five Lakhs and Ninety Thousand only)**. Parties are directed to bear their own costs. The appellants are **directed to pay the court fee** for the enhanced compensation, if any, and the Registry is directed to draft the decree only after the payment of Court fee.

24.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

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To

- 1.The Special Judge for Forest Offence cases,
Motor Accident Claims Tribunal,
Nagercoil.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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**Pre-Delivery Judgment made in
C.M.A.(MD)No.811 of 2024**

Dated : 24.06.2026