C.M.A(MD) No.664 of 2025

G.K.ILANTHIRAIYAN,J.
and
R.POORNIMA.J.

O R D E R

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

The matter is listed today under the caption 'For being mentioned.

2. This Court while allowing the appeal in part has fixed the notional income of the deceased as Rs.6000/- inadvertently it has been typed as Rs.8000/- and based on that calculations have been made. In view of the same, the following paragraphs have been modified as follows:

" 11.In so far as the notional income of the deceased is concerned, admittedly, the deceased was studying I Year MCA at Trichy at the time of the accident. Though the claimants specifically contended that in the evening time, the deceased was working in a Net Center at Chatram, Trichy and thereby earning a sum of Rs.10,000/-, but they failed to substantiate the same by

producing any piece of evidence. Therefore, the claimants failed to prove the income of the deceased at the time of accident. However, the deceased was studying I Year MCA and as such, the Tribunal ought to have fixed the income as notional income. Considering the facts and circumstances of this case and also considering that fact that the deceased was a student at the time of the accident, this Court is of the view that the notional income of the deceased is fixed at Rs.15,000/- per month. Since the deceased was aged 21 years at the time of the accident, he is entitled to 40% towards future prospects as per the judgment of the Hon'ble Apex Court reported in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others (2017(2)TNMAC 609(SC)****. Accordingly, the notional income of the deceased is fixed at Rs.23,000/- (Rs.15,000/- + Rs.6,000/-) per month. Thus, by fixing the monthly income as Rs.23,000/- and after deducting, 1/2th towards personal and living expenses of the deceased, the monthly income of the deceased is calculated at Rs.10,500/-. The multiplier applicable is '18' as per the judgment of the Hon'ble Apex Court reported in* ***2009(2) TNMAC 1 SC (Sarla Verma and others Vs. Delhi Transport Corporation and another).*** *By applying multiplier '18', this Court arrives at a sum of* ***Rs.22,68,000/- (10,500/- x 18 x 12) as compensation under the head of 'Loss of Dependency.***

12.That apart, the Tribunal awarded compensation under the head of Loss of Consortium to the tune of Rs.3 lakhs, which is on the higher side. Since there are three claimants, as per the law laid down by the Hon'ble Apex Court in Pranay Sethi's case, they are entitled to Rs.40,000/- each under the head of Loss of Consortium. That apart, the Tribunal awarded a sum of Rs.15,000/- towards of Loss of Estate and Rs.15,000/- towards Funeral Expenses. They are all reasonable and therefore confirmed. Accordingly, the compensation awarded by the Tribunal is re-calculated as under:-

Head	*Award of the Tribunal*	*Award of this Court*	*status*
Loss of Dependency	*37,80,000/-*	*22,68,000/-*	*Modified*
Loss of consortium (3 x40,000)	*3,00,000/-*	*1,20,000/-*	*Modified*
Loss of estate	*15,000/-*	*15,000/-*	*Confirmed*
Funeral expenses	*15,000/-*	*15,000/-*	*Confirmed*
Total	***41,10,000/-***	***24,18,000***	*Modified*
Less:Insurance amount already disbursed by the 3rd respondent under the Personal Accident Coverage			
	40,10,000/-	***24,18,000/-***	

13.In the result, the Civil Miscellaneous Appeal is ***partly allowed*** *and the award passed by the Tribunal is modified to the effect that the claimants are entitled for a sum of* ***Rs.24,18,000/-*** *as compensation along with interest @ 7.5% per annum from the date of petition till the date realization. The appellant/insurance company is directed to deposit the modified award amount with interest and costs, within a period of two months from the date of this judgment, if not already deposited. On such deposit being made, the respondents 1 to 3/Claimants are entitled to get their respective share as per the apportionment of the Tribunal. Excess amount, if any, shall be refunded to the appellant Insurance Company. No costs. Consequently, connected Miscellaneous Petitions are closed.*

3. In view of the same, Registry is directed to substitute the para nos. 11 to 13 and issue fresh order copy to the parties concerned.

[G.K.I., J.] **[R.P., J.]**
25.02.2026

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