



WEB COPY



CMA.No.2551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

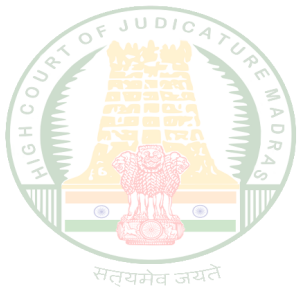
Civil Miscellaneous Appeal No.2551 of 2025

1. Mrs.P.Shanthi,
W/o. Late.S.Palani,
Residing at No.1/57, 77,
Bajanai Koil Street,
Walaja Taluk, Ammoor-632501
2. P.Venkatesan @ Venkatesh,
S/o. Late.S.Palani,
Residing at No.1/57, 77,
Bajanai Koil Street,
Walaja Taluk, Ammoor-632501
3. P.Subramani,
S/o. Periyappa,
Residing at No.1/57, 77,
Bajanai Koil Street,
Walaja Taluk, Ammoor-632501

...Appellants

Vs

1. S.P.Murugan, S/o. Pandimuthu,
No.134, Hospital Road, Thammampatti
Post, Gengavalli Taluk, Salem District,
Thammampatti-636113
2. New India Assurance Co.Ltd.
C/o. Motor III Party Claims Office,



WEB COPY



CMA.No.2551 of 2025

No.45, Moore Street, Chennai-600001
(Now at LIC Building, V Floor,
NSC Bose Road, Chennai-600001)

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the award dated 13.6.2023 made in M.C.O.P.No.1048 of
2016 on the file of the Motor Accident Claims Tribunal, Special Sub
Judge-I, Small Causes Court at Chennai.

For Appellants:	Mr.T.G.Balachandran
For Respondents:	R1- Deceased (steps Due) Ms.G.Sukumari for R2

JUDGMENT

This is an appeal filed by the appellants - claimants against
the award dated 13.6.2023 made in MCOP.No.1048 of 2016 on the
file of the file of the Motor Accident Claims Tribunal, Special Sub
Judge-I, Small Causes Court at Chennai (for short, the Tribunal
below) wherein they are seeking for enhancement of compensation.

2. Heard the learned counsel for the appellants - claimants
and the learned counsel appearing for the second respondent -



CMA.No.2551 of 2025

Insurance Company.

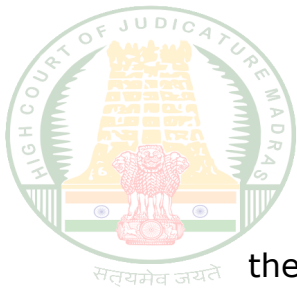
WEB COPY

3. The first appellant - first claimant is the wife; the second appellant - second claimant is the son; and the third appellant - third claimant is the father of one Mr.S.Palani (since deceased).

4. The case of the appellants - claimants is as follows:

(i) On 15.8.2015, the said Mr.S.Palani was riding a two wheeler at Vellore to Chennai National High Road and at about 8 hours, the offending vehicle, which was a container lorry, was driven in a rash and negligent manner and was abruptly stopped, as a result of which, the two wheeler ridden by the said Mr.S.Palani dashed on the lorry and he was thrown out of the vehicle. He sustained grievous injuries and later, succumbed to the injuries on 22.11.2015. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that there was an element of contributory negligence on the part of the deceased -



CMA.No.2551 of 2025

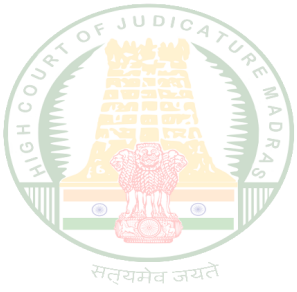
WEB COPY

the said Mr.S.Palani since he could have avoided dashing on the offending vehicle if he had ridden the two wheeler slowly and ultimately, 20% contributory negligence was fixed on the deceased – the said Mr.S.Palani. Further, 80% negligence was fixed on the part of the driver of the offending vehicle.

(iii) The Tribunal below fixed the total compensation of Rs.12,82,512/- under the following heads:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Total loss of dependency</i>	<i>Rs.10,50,000/-</i>
2	<i>Loss of consortium</i>	<i>Rs. 1,20,000/-</i>
3	<i>Loss of estate</i>	<i>Rs. 15,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
5	<i>Medical bills</i>	<i>Rs. 82,512/-</i>
	<i>Total Compensation fixed</i>	<i>Rs.12,82,512/-</i>
	<i>After deducting 20% towards contributory negligence, 80% of compensation comes to</i>	<i>Rs.10,26,100/-</i>
	<i>Rounded off to</i>	<i>Rs.10,26,100/-</i>

(iv) The said sum of Rs.10,26,100/- was directed to be paid by the second respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till date of realization. Aggrieved by that, this appeal has been filed by the appellants – claimants seeking for enhancement of compensation.

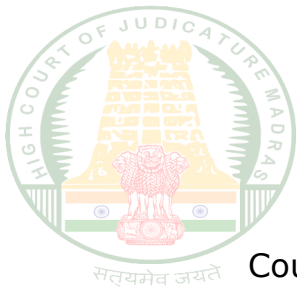


WEB COPY

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

6. On the side of the appellants - claimants, P.W.2 was examined as an eyewitness, who clearly stated that the offending vehicle, which was a lorry, abruptly came to a halt to avoid hitting a car and the deceased, who was coming behind it, was not able to stop the two wheeler and dashed against the offending vehicle. The Tribunal below took into consideration the first information report that was registered based on the complaint given by a third party against the deceased. However, in the absence of a contra evidence, the Tribunal below fixed 20% contributory negligence on the deceased - the said Mr.S.Palani, which is not sustainable. Accordingly, the finding of the Tribunal below with regard to it is hereby set aside.

7. In so far as the issue of quantum of compensation is concerned, the Tribunal below fixed the notional monthly income of the deceased at Rs.7,500/-, which, in the considered view of this



CMA.No.2551 of 2025

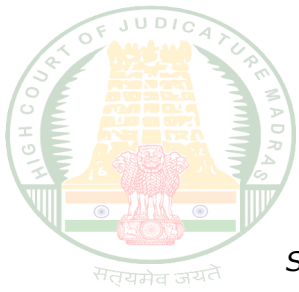
WEB COPY

Court, is on the lower side. Considering the fact that the accident had taken place in 2015 and the fact that there are totally three claimants, who are dependant on the deceased, this Court is inclined to fix the notional monthly income at Rs.13,000/-. Consequently, the compensation under the head 'loss of dependency' is fixed as follows:

*"Rs.13,000/- + Rs.3,250/- (25% future prospects of Rs.13,000/-) = Rs.16,250/-;
Rs.16,250/- X 12 = Rs.1,95,000/-;
After deducting 1/3rd out of Rs.1,95,000/-, the total comes to Rs.1,30,000/- (Rs.1,95,000/- - Rs.65,000/-);
Rs.1,30,000/- X 14 = Rs.18,20,000/-."*

8. The compensation that has been granted under other heads is reasonable and does not require the interference of this Court.

9. In the light of the above discussions, the above civil miscellaneous appeal is allowed and the award dated 13.6.2023 in MCOP.No.1048 of 2016 on the file of the Tribunal below is modified in the following manner:



CMA.No.2551 of 2025

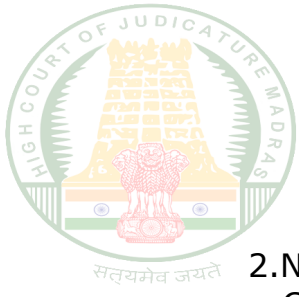
WEB COPY

S.N	Head	Amount awarded by the Tribunal below	Amount awarded by this Court in this appeal
0			
1	Total loss of dependency	Rs.10,50,000/-	Rs.18,20,000/-
2	Loss of consortium	Rs. 1,20,000/-	Rs. 1,20,000/-
3	Loss of estate	Rs. 15,000/-	Rs. 15,000/-
4	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
5	Medical bills	Rs. 82,512/-	Rs. 82,512/-
	Total Compensation fixed	Rs.12,82,512/-	Rs.20,52,512/-
	After deducting 20% towards contributory negligence, 80% of compensation comes to	Rs.10,26,100/-	---- (this finding is set aside)
	Rounded off to	Rs.10,26,100/-	Rs.20,53,000/-

The above total compensation amount of Rs.20,53,000/- is directed to be deposited by the second respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization within six weeks from the date of receipt of a copy of this judgment. The appellants – claimants will not be entitled to interest for the delayed period of 44 days in filing the appeal as per the order of this Court dated 20.8.2025 in CMP.No.3276 of 2024. No costs.

16-07-2026

To
1.The Motor Accident Claims Tribunal,
Special Sub Judge-I,
Small Causes Court at Chennai

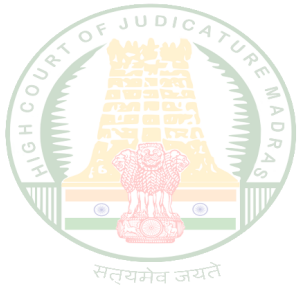


CMA.No.2551 of 2025

WEB COPY

2.New India Assurance Co.Ltd.
C/o. Motor III Party Claims Office,
No.45, Moore Street, Chennai-600001
(Now at LIC Building, V Floor,
NSC Bose Road, Chennai-600001)

RS



WEB COPY



CMA.No.2551 of 2025

N.ANAND VENKATESH,J

RS

C.M.A.No.2551 of 2025

16-07-2026

Page9 of 9