

C.M.A.No.2424 of 2022

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WEB CO **T.V.THAMILSELVI, J.**

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

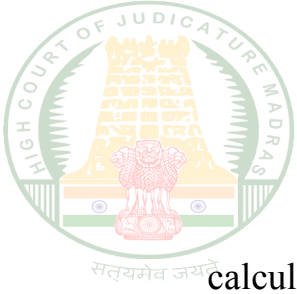
2. The learned counsel for appellant would submit that this Court by judgment dated 18.07.2025 partly allowed the above appeal. However, he would submit that while disposing the above appeal, in para 8, 6th line and the calculation column mentioned in para 9, this court awarded a sum towards loss of consortium, but instead of mentioning loss of consortium, it was mentioned as loss of love and affection. Hence, he prayed to amend the same and requested to issue fresh order copy.

3. Heard the contentions of learned counsel for appellant and perused the order.

4. Considering his submissions, in para 8, 6th line the words viz., “However, each of the petitioners are entitled for a sum of Rs.40,000/- under this head”, Registry is directed to substitute the words as follows :-

“However, instead of granting compensation under the head of loss of love and affection, the respondents 1 to 3 are entitled for a sum of Rs.40,000/- under the head of Loss of Consortium.”

Registry is also directed to substitute the head mentioned in Sl. No.4 of



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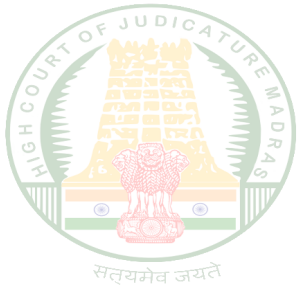
calculation column in para 9 viz., Loss of love and affection as “**Loss of consortium**”.

5. Registry is directed to incorporate above correction in the order of this Court in C.M.A.No.2424 of 2022 dated 18.07.2025 and issue fresh order copy to the appellant.

06.08.2025

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T.V.THAMILSELVI, J.



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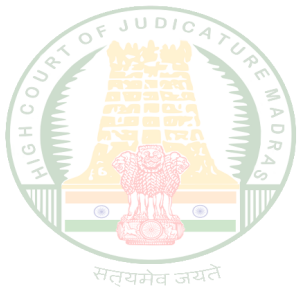
06.08.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

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WEB COPY THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2424 of 2022

AND

CMP NO. 18953 OF 2022

The Oriental Insurance Company
Ltd.,
Rep. by its Divisional Manager, Third
Party Claim Cell, Prakasam Salai,
Broadway, Chennai

Appellant

Vs

1. K.Balaji

2.Minor K.Lahari

D/o K.Balaji, represented by their
father and natural guardian
Tr.K.Balaji, Chenganapalee

3.Minor K.Dellipriya

D/o K.Balaji, represented by their
father and natural guardian
Tr.K.Balaji, Chenganapalee

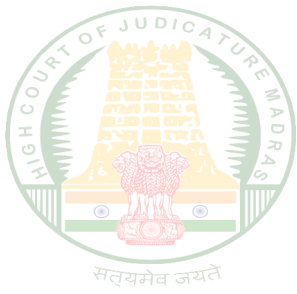
4.J.Lakshmana Reddy

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this appeal and to set aside the judgment and decree (award) passed by the Motor Accident Claims Tribunal, Ponneri (The IV Additional District Judge, Thiruvallur @ Ponneri) in MCOP No.152/2016 dated 26.09.2019.

For Appellant: Mr.R.Ganesan

For Respondents: Mr.R.Venkatesulu for R1 to R3



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R2 And R3 Minors Rep By R1
R4 - Unclaimed

JUDGMENT

Challenging the impugned award passed by the Motor Accident Claims Tribunal, IV Addl. District Judge, Thiruvallur @ Ponneri in MCOP No.152 of 2016, dated 26.09.2019, the appellant/2nd respondent insurance company preferred this Civil Miscellaneous Appeal.

2.The case of the respondents/petitioners 1 to 3 is that on 29.01.2010 at about 09.45 hours. when the deceased Neelavathi was travelling as a passenger in an auto bearing Regn. No. AP-03 X-3612 from Mittur Village to YS Gate, the auto driver drove the vehicle in a rash and negligent manner, lost the control of vehicle and got capsized. Due to which, 1st respondent's wife sustained fatal injuries and succumbed to the same. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.15,00,000/-

3. 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 rider of the 4th respondent herein.



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Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.10,22,068/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4.The appellant Insurance Company aggrieved by the multiplier fixed by the Tribunal has filed the present appeal before this Court.

5. The learned counsel for appellant argues that the tribunal ought to have fixed the multiplier at 16 instead of 17, since the age of deceased is 28 years as per the post-mortem certificate. Hence, he prayed to set aside the said findings rendered by the tribunal.

6. By way of reply, the learned counsel for respondents argue that as per the tabular column and on considering the age of deceased, the tribunal has rightly arrived the multiplier at 17, which needs no interference. He would also submit that the tribunal has not awarded loss of consortium for the respondents and the same is to be included.

7. Heard and considered rival submissions made by learned counsel for appellant as well as respondents 1 to 3 and perused the materials



available on record.

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8. Admittedly, as per the tabular column, for the age of victim from 25 to 28 years, multiplier is to be arrived at 17 and the same was rightly applied by the tribunal, which needs no interference. Furthermore, as rightly pointed out by the learned counsel for respondents, the deceased legal heirs are her husband and her two daughters, but the Tribunal has granted only a sum of Rs.40,000/- under the head of 'Loss of love and affection'. However, each of the petitioners are entitled for a sum of Rs.40,000/- under this head. Accordingly, the compensation under this head is fixed at Rs.1,20,000/- (Rs.40,000/- x 3). The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

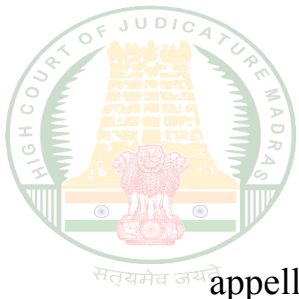
S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of dependency Rs.4667 x 12 x 17 = 9,52,068	9,52,068	9,52,068	confirmed



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
2.	Loss of estate	15,000	15,000	confirmed
3.	Funeral expenses	15,000	15,000	confirmed
4.	Loss of love and affection	40,000	1,20,000	enhanced
	Total	10,22,068	11,02,068	enhanced
	Rounded off		11,02,070	

10. Accordingly, the compensation awarded by the tribunal at Rs.10,22,068/- is enhanced to Rs.11,02,070/-. The appellant insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the 1st respondent is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the respondents 1 to 3. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered and it goes without saying that the enhanced compensation that is paid by the



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appellant Insurance Company can be recovered from the owner of the vehicle as was ordered by the Tribunal.

11. As far as the share of minor respondents viz., 2nd and 3rd respondents are concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor respondents' father, once in three months.

12. In the result, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

18-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

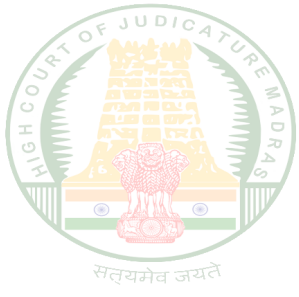
Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, IV Addl. District Judge, Thiruvallur @ Ponneri.

2. Section Officer, VR Section, Madras High Court.



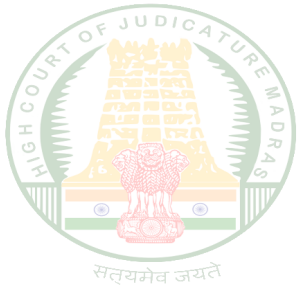
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**CMA No. 2424 of 2022
AND CMP NO. 18953
OF 2022**

18-07-2025