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CMA NO. 1082 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA NO. 1082 of 2024

and

CMP.No.10032 of 2024

The Branch Manager
Royal Sundaram General Insurance Co.Ltd., Old
No.113 and 114, New No.18 and 20, No.4B, 4th
Floor, A Block, Mena Kampala Arcade, Sir
Theyagaraya Road, T. Nagar, Chennai - 017.

Appellant(s)

Vs

PARVATHY
W/o. Pushpanathan, Res. at Annai Theresa
Nagar, Kolathur Konnur Via, Villivakkam,
Ayanavaram, Chennai. Now res. at D.No.506,
Nandhi Nagar, TNSTC Colony Backside,
Collectorate Post, Dharmapuri Tk and Dt. and 3
Others

Respondent(s)

For Appellant(s):

Mr.M.Krishnamoorthy

For Respondent(s):

Mr.S.Udhayakumar For R1 To R3
R4 - Notice Dispensed With



ORDER

WEB COPY Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant.

2. Mr.M.Krishnamoorthy, learned counsel appearing for the appellant and Mr.S.Udhayakumar, learned counsel appearing for the respondents 1 to 3 are present.

3. It is brought to the notice of this Court that certain errors have crept in paragraph Nos.1 & 7 of the Judgment dated 25.06.2025. Accordingly, Paragraph Nos.1 & 7 in the said order shall stand deleted and replaced. Further, paragraph Nos.1, 7, 8, 9 & 10 shall be included as follows:

" Challenging the impugned award passed by the Presiding Officer, Exclusive Motor Accident Claims Tribunal, Dharmapuri in MCOP.No.165 of 2019, dated 12.01.2024, the appellant / 5th respondent insurance company has preferred this Civil Miscellaneous Appeal.

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7. On perusal of award, it is seen that no reasons were



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adduced on behalf of the appellant as well as 4th respondent, both the owner of the vehicle and the insurance company. Therefore, the plea of negligence as raised by the appellant is not sustainable. While awarding compensation, the Tribunal noted that the deceased was unmarried. However, the Tribunal erroneously applied a deduction of 2/3rd towards personal expenses, whereas it should have been 1/2. In this regard, the objections raised by the appellant is valid. Accordingly, a deduction of 50% towards personal living expenses is to be applied.

8. In view of the above discussion, the award is modified is as follows:

Calculation

Notional Income = Rs.15,309/-

Add 40% Future Prospects = $15,309 + 6,124 = 21,433/-$

After 1/2 deduction = $21,433 \times 1/2 = \text{Rs.}10,716/-$

Loss of dependency = $\text{Rs.}10,716 \times 12 \times 18 = \text{Rs.}23,14,656/-$

Sl. No	Compensation awarded under the head	Amount (in Rs.). awarded by the High Court
1	Loss of Dependency	23,14,656
2	Loss of Consortium Rs.40,000x 3	1,20,000

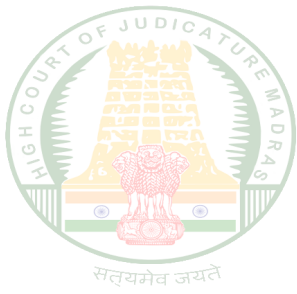


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Sl. No	Compensation awarded under the head	Amount (in Rs.). awarded by the High Court
3	Loss of Estate	15,000
3	Funeral expenses	15,000
	Total	24,64,656/- Rounded off to Rs.24,64,700/-

9. The Learned counsel also raised objections with regard to take-home salary, which was stated to be only Rs.12,519/- as per the evidence of P.W.3. However, it is an admitted fact that the deceased was working as a customer Relationship Executive in Talentpro India HR Pvt. Ltd. earning a gross monthly salary of Rs.15,309/- per month. The accident occurred in the year 2018. Considering the cost of living during that period and the inclusion of various allowances, this Court is inclined to fix the notional monthly income, at Rs.15,309/-. Therefore, the salary fixed by the Tribunal is found to be appropriate and sustainable.

10. Accordingly, the compensation awarded by the Tribunal is reduced from Rs.32,07,200/- to Rs.24,64,700/-. The appellant / insurance company is directed to deposit the balance amount, if any, within a period of eight(8) weeks from the date of receipt of a copy of this judgment. Upon such deposit, respondents 1 to 3 are permitted to withdraw the amount as per



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their respective shares. In view of the above modification, the award passed by the Tribunal in MCOP.No.165 of 2019 stands modified. This Civil Miscellaneous Appeal is accordingly disposed of. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous petition is closed."

4. Registry is directed to incorporate the above paragraph Nos. 1, 7, 8, 9 & 10 quoted above and issue fresh order copy to the parties forthwith.

5. In other respects, the order dated 25.06.2025 shall remain unaltered.

17.07.2025

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T.V.THAMILSELVI, J.



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