



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2314 of 2026
and CMP No.17726 of 2026

1.Uma Maheswari

2.Bhuvaanika (Minor)

3.Yoga Karthiga Subburam (Minor)

..Appellants

[Minors 2 and 3 are represented by their Mother and next friend 1st Appellant]

.vs.

1.HDFC Bank Limited,
U/c.H.Manikandan Kuthalam Ramji,
No.141/A, Matru Ashish Irani Road,
Ral Dahanu (West) District, Palghar,
Maharashtra 401 602.

2.HDFC ERRGO General Insurance Company Limited,
Raheja Towers, Ground Floor,
No.177, Anna Salai,
Chennai 600 002.

3.Kalyani

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order dated 12.12.2025 made in MCOP No.4379 of 2022, on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.



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For Appellant : Mr.A.G.F.Terry Chella Raja

For Respondent : Mr.S.Arunkumar for R2
Mr.D.R.Arunkumar for R3
R1 – No Appearance

JUDGMENT

This appeal has been filed against the Award passed by the Motor Accident Claims Tribunal/Chennai Chief Judge, Court of Small Causes, Chennai in MCOP No.4379 of 2022 dated 12.12.2025, wherein the claimants are aggrieved by the apportionment of the Award made by the Tribunal.

2.The 1st claimant is the wife and the 2nd and 3rd claimants are the minor children of the deceased, Karunamoorthy. The case of the claimants is that, on 13.05.2022, at about 10.0 a.m., the deceased was riding a two wheeler near Kasi Theatre, Ekkattuthangal, the offending vehicle which was a car was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the deceased was thrown out of the vehicle and he sustained fatal injuries and died on 16.05.2022. An FIR came to be registered in Crime No.173 of 2022. It is under these circumstances, the claim petition came to be filed before the Tribunal.



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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 driver of the offending vehicle.

4.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.71,56,188/- (Rounded off to Rs.71,56,200/-) under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency	69,37,188
Loss of Estate	16,500
Loss of Consortium	1,76,000
Funeral Expenses	16,500
Transportation Charges	10,000
Total	71,56,188
Rounded Off	71,56,200

5.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6.The Tribunal, while apportioning the compensation, granted Rs.21,56,200/- to the 1st claimant and Rs.15 Lakhs each to the 2nd and 3rd



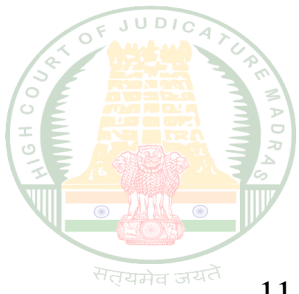
claimants. The 3rd respondent in the claim petition, who was the mother of the deceased, was apportioned Rs.20 Lakhs. It is this apportionment made in her favour that has been questioned in the present appeal.

7. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the 2nd & 3rd respondents.

8. In the considered view of this Court, the mother of the deceased is aged about 60 years. The minors in this case are aged about 5 years and 3 years, respectively and each minor has been given only a sum of Rs.15 Lakhs. Considering the age of the mother and also considering the age of the minor children, this Court is inclined to apportion a sum of Rs.14 Lakhs in favour of the mother who is the 3rd respondent in this appeal. For each of the minor children, the apportionment is increased to Rs.18 Lakhs. Accordingly, the apportionment is modified.

9. The learned counsel for the Insurance Company submitted that the entire compensation amount has been deposited along with interest.

10. The learned counsel for the claimants submitted that the apportionment made in favour of the claimants has also been withdrawn.



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11.The learned counsel for the 3rd respondent submitted that the award amount has already been deposited by the 3rd respondent. Considering the modification of the apportionment, the 3rd respondent shall be permitted to withdraw a sum of Rs.14 Lakhs along with the accrued interest. Insofar as the 2nd and 3rd claimants are concerned, the excess of amount of Rs.3 Lakhs that was apportioned to each of the claimants shall also be deposited in any one of the nationalized bank until they attain majority.

12.In the result, this writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

06.08.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes,
Chennai.

CMA No.2314 of 2026

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