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CMA No. 1642 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1642 of 2023

1. PARIMALA

W/o.late Kumar, No.55, Pillayar Koil
Street, Chinna Mellamaiyur,
Chengalpattu Taluk, Kancheepuram
District.

2. Priyanga

D/o.late Kumar, No.55, Pillayar Koil
Street, Chinna Mellamaiyur,
Chengalpattu Taluk, Kancheepuram
District.

3. Pavithra

D/o.late Kumar, No.55, Pillayar Koil
Street, Chinna Mellamaiyur,
Chengalpattu Taluk, Kancheepuram
District.

4. Ajaykumar

S/o.late Kumar, No.55, Pillayar Koil
Street, Chinna Mellamaiyur,
Chengalpattu Taluk, Kancheepuram
District.



5. Chellammal

W/o.late Kumar, No.55, Pillayar Koil
Street, Chinna Mellamaiyur,
Chengalpattu Taluk, Kancheepuram
District.

Appellant(s)

Vs

1. R.Raghavan

Flat No.2C, Block No.8, Jains
Sunderbans, Nolambur, West
Mogappair, Chennai 600 095.

2.National Insurance Co.Ltd.,

Motor Third Party Claims Office,
No.751, Anna Salai, Chennai 600 002.

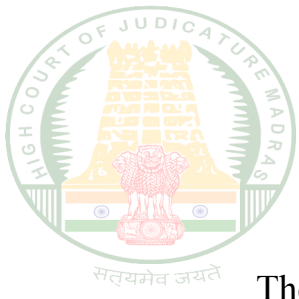
Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation made in judgment and decree dated 21.04.2023 in M.C.O.P.No.1435/2014 on the file of the Motor Accident Claims Tribunal V Court of Small Causes, Chennai.

For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mr.C.Paranthaman For R2
R-1 - No Appearance



JUDGMENT

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The appellants have filed this appeal against the award passed in M.C.O.P.No.1435 of 2014, on the file of the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai.

2. The brief facts of the case of the appellants/claimants are as follows:

On 30.01.2014 at about 21.00 hrs when the deceased was walking along the GST Road opposite to M.R.Theater from West to East direction, at that time the car bearing Reg.No.TN-20-BL-4084 came from North to South direction in a rash and negligent manner without following traffic rules and regulations and dashed against the deceased. In the impact, the petitioner sustained grievous injuries and died on 07.07.2015. The accident occurred owing to breakneck speed and reckless driving of the car. The driver of that car is directly responsible for the gruesome accident. The driver of the car bearing Reg.No.TN-20-BL-4084 is responsible for the above accident. The 1st respondent is the owner of the car in the accident and the 2nd respondent is the insurer of the same.



3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 22,53,000/- as compensation, directing the 2nd respondent to pay the said amount to the appellants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the deceased was a helper earning Rs.15,000/- per month. However, the Tribunal erroneously considered only salary of Rs.10,000/-. He therefore, prayed for enhancement of compensation.

6. On the other hand, the learned counsel appearing for the 2nd respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it



need not be interfered.

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7. The deceased was working as a Helper. However, no documentary evidence was adduced by the claimants to substantiate their claim that the deceased was earning a sum of Rs.15,000/- per month as mentioned in their claim petition. In the circumstances, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.15,000/- would meet the ends of justice.

8. As per the decision of the Hon'ble Supreme Court in ***National Insurance Co. vs Pranay sethi and others***, reported in ***2017 (2) TNMAC 601***, 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his legal heirs of the deceased. Hence, 1/4 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 38 years at the time of the accident, and as per the decision rendered in ***Sarla Verma and others vs. Delhi Transport Corporation and another***, reported in ***(2009) 6 SCC 121***, the proper multiplier to be adopted



in the instance case is 15. The petitioner had been taken treatment for more than 18 months, hence a sum of Rs.2,70,000/- is awarded towards loss of income of the deceased. The compensation awarded under the other heads by the Tribunal is confirmed.

9. Calculation

Notional Income = Rs.15,000/-

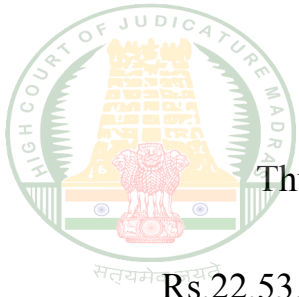
40% Future Prospects = 15,000 +6,000 = 21,000/-

After 1/4 deduction = 21,000 – 5,250= Rs.15,750/-

Loss of dependency = Rs.15,750 x 12m x 15 = Rs.28,35,000/-

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

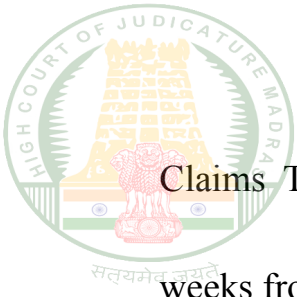
Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income	1,80,000	2,70,000
2.	Loss of dependency	18,90,000	28,35,000
3.	Loss of Estate	16,500	16,500
4.	Funeral Expenses	16,500	16,500
5.	Loss of Consortium with Attender charges	44,000	44,000
6.	Loss of love and affection	1,00,000	1,00,000
7.	Transportation expenses	6,000	6,000
	Total	22,53,000	32,88,000



Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,53,000/- to Rs.32,88,000/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

- i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.
- ii. The compensation awarded by the Tribunal is enhanced from Rs.22,53,000/- to Rs.32,88,000/-.
- iii. The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.
- iv. The 2nd respondent, the National Insurance Company Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.32,88,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No.1435 of 2014, on the file of the Motor Accidents



Claims Tribunal, V Small Causes Court, Chennai, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

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v. On such deposit being made by the 2nd respondent, the appellants/claimants are at liberty to withdraw the same, as per the apportionment made by the tribunal, after following due process of law.

vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

25-07-2025

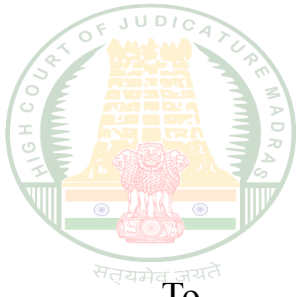
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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CMA No. 1642 of 2023

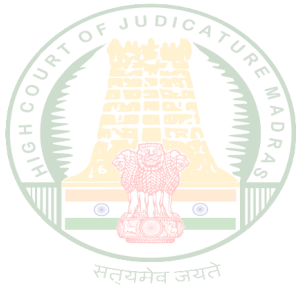


To
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1. The Motor Accidents Claims
Tribunal, V Small Causes Court,
Chennai .

2.National Insurance Co.Ltd.,
Motor Third Party Claims Office,
No.751, Anna Salai, Chennai 600 002.

3.The Section Officer,
VR-Section, High Court of Madras.



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