

C.M.A.No.2745 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

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1. Saraswathi
 2. Priyanka
 3. Minor Santhoshkumar
 4. Minor Sridharan
(Both minors rep. by their next friend
mother Saraswathi)
 5. Pappathi
 6. Chinnakannu
- ... Appellants

Vs.

1. Vikramamoorthy
2. SBI General Insurance Company Ltd.,
Second Floor (Southern Wing),
Rohan's Arcade, 29-B, Thillai Nagar Main Road,
Opp. to Petrol Bunk (Pump),
Thillainagar, Tiruchirappalli.
Having Branch Office at G.V.Towers,
First Floor, Itteri Road,
Trichy Main Road, Gugai-Dadagapatty,
Vijaya Bank on Ground Floor,
Near Raja Sabari Theatre, Gugai Post,
Salem District
3. Anand



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4. The New India Assurance Company Limited,
Attur, 1019-A, Vetri Towers,
1st Floor, Salem Main Road,
Attur.
Having Branch Office Salem Divisional Office,
Sethu Krishna Trade Centre,
No.133/31-A, II Floor,
Trichy Main Road, Gugai,
Salem District.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 01.06.2023 made in MCOP No.1191 of 2021 on the file of the Special District Court, Motor Accidents Claims Tribunal, Salem and to enhance the compensation.

For Appellant : Mr.S.Ramprabu

For Respondents : Mr.Sathish Kumar Manimaran for R1
Mr.J.Michael Visuvasam for R2
Mr. M.Krishnamurthy for R4
No Appearance – R3

JUDGMENT

This Civil Miscellaneous Appeal has been filed challenging the award passed by the learned Special District Judge, Special District Court, Motor Accidents Claims Tribunal, Salem, in MCOP No.1191 of 2021 dated 01.06.2023, wherein the claimants are seeking enhancement of compensation.



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2. The 1st claimant is the wife, claimants 2 to 4 are the children and the claimants 5 and 6 are the parents of the deceased Jayaraman. The case of the claimants is that on 23.06.2021, the deceased Jayaraman was waiting with his two wheeler and was attempting to take a U turn on the Salem -Attur main road. At about 5.00 p.m, the offending vehicle viz., a car was driven in a rash and negligent manner and it dashed against the two wheeler. As a result of which, the deceased sustained fatal injuries and he succumbed to the injuries. An FIR came to be registered in Crime No.328 of 2021. It is under these circumstances, the claim petition came to be filed before the Tribunal.

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 composite negligence of both the vehicles. Insofar as the vehicle insured with the 2nd respondent is concerned, the Tribunal fixed 75% negligence and in so far as the vehicle insured with the 4th respondent is concerned, the Tribunal fixed 25% negligence.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.14,45,000/- under various heads as follows:

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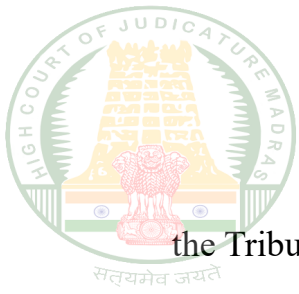
S.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Loss of Income	12,60,000
2.	Loss of Love and Affection	1,20,000
3.	Loss of Consortium	40,000
4.	Funeral Expenses	25,000
Total		14,45,000

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed the present appeal seeking enhancement of compensation.

6. Heard Mr.S.Ramprabu, learned counsel for appellant/claimant and Mr.M.Krishnamurthy, learned counsel for the 4th respondent.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. This Court has also carefully gone through the award passed by



the Tribunal.

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9. In the case in hand, the accident had taken place in the year 2021 and the deceased had left behind nearly six dependants. The Tribunal had fixed the notional monthly income of Rs.10,000/- including future prospects, which is clearly on the lower side. This Court is inclined to fix the Notional Monthly Income at Rs.19,000/-, to which 25% future prospects has to be added. Accordingly, the compensation under the head ‘loss of dependency’ is calculated as follows:

Monthly Income	:	Rs. 19,000.00/-
Add:25% future prospects	:	Rs. 4,750.00/-

		Rs. 23,750.00/-
Less: Personal expenses (1/4)	:	Rs. 5,937.50/-

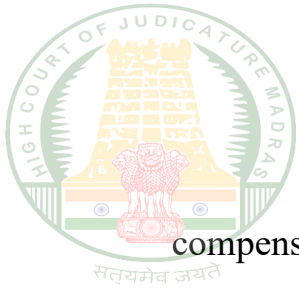
		Rs. 17812.50/-
		x 12

Annual income	:	Rs. 2,13,750.00/-
Multiplier	:	x 14

Loss of Dependency	:	Rs.29,92,500/-

10. The Tribunal had granted Rs.1,20,000/- under the head of “loss of love and affection” and Rs.40,000/- under the head of “loss of Consortium”. This Court is inclined to consolidate the same and fix the

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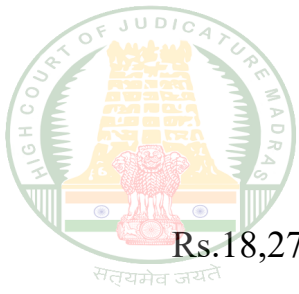
compensation under the head of “loss of Consortium” as Rs.2,40,000/-

(Rs.40,000/- each x 6). This Court is also inclined to reduce the compensation awarded towards funeral expenses from Rs.25000/- to Rs.15,000/-. Further, this Court is inclined to award compensation of Rs.15,000/- towards “loss of estate” and Rs.10,000/- towards “loss of transportation”.

11. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>S.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Loss of Income	12,60,000	-
2.	Loss of Dependency	-	29,92,500
3.	Loss of Love and Affection	1,20,000	-
4.	Loss of Consortium	40,000	2,40,000
5.	Funeral Expenses	25,000	15,000
6.	Loss of Estate	-	15,000
7.	Transportation	-	10,000
Total		14,45,000/-	32,72,500/-

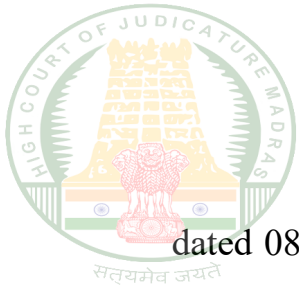
12. The compensation awarded by the Tribunal is enhanced to



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Rs.18,27,500/- and the respondents 1 and 2 are jointly and severally directed to pay 75% of the enhanced compensation and the respondents 3 and 4 are directed to deposit 25% of 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 six (6) weeks from the date of receipt of this judgment. On such deposit, insofar as the major claimants are concerned, they shall be entitled to withdraw their respective shares of the compensation as fixed by the Tribunal together with accrued interest and insofar as the minor is concerned, the direction issued by the Tribunal is confirmed.

13. Insofar as the enhanced compensation is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 367 days as was ordered by this Court in C.M.P.No.16139 of 2025 in C.M.A.Sr.No.101937 of 2025 dated 21.08.2026. Insofar as the enhanced compensation is concerned, the deficit court fees, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026,



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dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants.

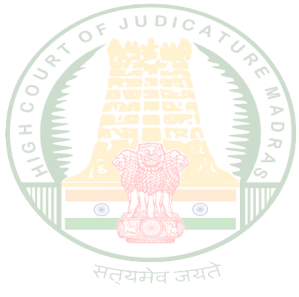
14. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs.

23.07.2026

Neutral Citation: Yes/No
RKA

To

1. The Special District Judge,
Motor Accidents Claims Tribunal,
Salem.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

RKA

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