



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

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THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CMA.Nos.1592, 14, 1150, 1593, 1599 & 1611 of 2026 and 3163 of 2025

CMA No. 1592 of 2026:

Vahidha Banu
W/o.Afroze Basha, No.268, Q Block, Anna Nagar,
Fort, Salem 636 001

..Appellant(s)

Vs

1. R.Natarajan
S/o Ramasamy, No.7/173, Ammal Eri Road,
Dadagapatti, Salem 636 006
2. United India Insurance Company Ltd
Divisional Office HUB, 104-A,
Sri Ranga Complex, Peramanur Main Road,
Salem 636 007

..Respondent(s)

CMA No. 14 of 2026:

Minor Sumaiya Fathima
D/o Nazar Basha,
No.268, Q Block, Anna Nagar,
Fort, Salem 636 001 (represented by guardian NF,
Mother Sharmila Banu)

..Appellant(s)

Vs

1. R. Nataraj
S/o Ramasamy,
No.7/173, Ammal Eri Road,
Dadagapatti, Salem 636 006



2. United India Insurance Company Ltd.,
Divisional Office HUB,104-A,
Sri Ranga Complex, Peramanur Main Road,
Salem 636 007

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..Respondent(s)

CMA No. 1150 of 2026:

1. Vahidha Banu
W/o.Afroze Basha
Res. at Door No. 9, Mettu Sombu Naidu Street,
Salem 637 001
2. Arbena
D/o.Afroze Basha
Res. at Door No. 9,
Mettu Sombu Naidu Street, Salem 637 001
3. Minor Abror
S/o.Afroze Basha
Door No. 9, Mettu Sombu Naidu Street,
Salem 637 001

Kurshith Begum (Died)
Syed Habeeb (Died)

..Appellant(s)

Vs

1. R.Nataraj
S/o Ramasamy,
No.7/173, Ammal Eri Road,
Dadagapatti, Salem 636 006
2. United India Insurance Company Ltd.,
Divisional Office HUB,
104-A, Sri Ranga Complex,
Peramanur Main Road,
Salem 636 007

..Respondent(s)



CMA No. 1593 of 2026:

1. Minor Abror,
D/o.Nazar Basha,
(Rep. by guardian, NF, Mother Vahidha Banu),
No.6, Mettu Makkan Street, Salem -636 001.

..Appellant(s)

Vs

1. R.Nataraj,
S/o Ramasamy,
No.7/173, Ammal Eri Road,
Dadagapatti, Salem- 636 006
2. United India Insurance Company Ltd.,
Divisional Office HUB, 104-A, Sri Ranga
Complex, Peramanur Main Road,
Salem 636 007

..Respondent(s)

CMA No. 1599 of 2026:

1. Sharmila Banu
W/o Nazar Basha,
No. 80, Dubal Ahmed Street,
Fort, Salem 636 001
2. Nazar Basha
S/o Nazar Basha, No. 80, Dubal Ahmed Street,
Fort, Salem 636 001

..Appellant(s)

Vs

1. R. Nataraj
S/o Ramasamy, No.7/173, Ammal Eri Road,
Dadagapatti, Salem 636 006
2. United India Insurance Co.Ltd.,
Divisional Office HUB,
104-A, Sri Ranga Complex,
Peramanur Main Road, Salem 636 007

..Respondent(s)



CMA No. 1611 of 2026:

Sharmila Banu
W/o Nazar Basha,
No.268, Q Block, Anna Nagar,
Fort, Salem 636 001

..Appellant(s)

Vs

1. R.Natarajan
S/o Ramasamy,
No.7/173, Ammal Eri Road,
Dadagapatti, Salem 636 006
2. United India Insurance Company Ltd
Divisional Office HUB, 104-A, Sri Ranga
Complex, Peramanur Main Road,
Salem 636 007

..Respondent(s)

CMA No. 3163 of 2025:

Nazar Basha
D/o.Nazar Basha, No.268, Q Block, Anna Nagar,
Fort, Salem 636 001

..Appellant(s)

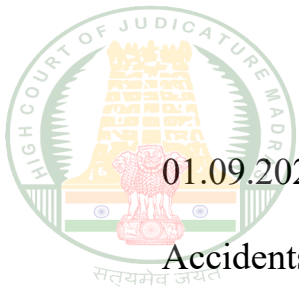
Vs

1. R.Natarajan
S/o Ramasamy, No.7/173, Ammal Eri Road,
Dadagapatti, Salem 636 006
2. United India Insurance Company Ltd
Divisional Office HUB, 104-A, Sri Ranga
Complex, Peramanur Main Road,
Salem 636 007

..Respondent(s)

Prayer in CMA No. 1592 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor
Vehicles Act, 1988, to enhance the compensation in judgment and decree dated



01.09.2021 passed in M.C.O.P.No.252 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

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Prayer in CMA No. 14 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 01.09.2021 passed in M.C.O.P.No.255 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

Prayer in CMA No. 1150 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 01.09.2021 passed in M.C.O.P.No.1113 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

Prayer in CMA No. 1593 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 01.09.2021 passed in M.C.O.P.No.254 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

Prayer in CMA No. 1599 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 01.09.2021 passed in M.C.O.P.No.1352 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.



Prayer in CMA No. 1611 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 01.09.2021 passed in M.C.O.P.No.253 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

Prayer in CMA No. 3163 of 2025:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 01.09.2021 passed in M.C.O.P.No.251 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

For Appellant(s)
in all appeals:

Mrs.Ramya V. Rao

For R2 in all appeals:

Mr.D.Venkatachalam

COMMON JUDGMENT

Seeking to enhance the compensation awarded in the common judgment and decree dated 01.09.2021 passed in M.C.O.P.Nos.1113 & 1352 of 2016 and 251, 252, 253, 254 & 255 of 2018 on the file of the Special District Court, Motor Accidents Claims Tribunal, Salem, the claimants have filed the present civil miscellaneous appeals.



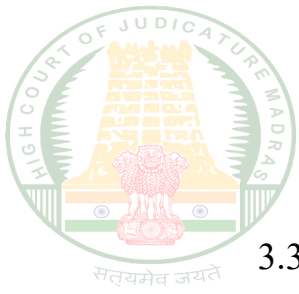
2. Since all the appeals arise out of a single vehicular accident, a common judgment is passed in all these appeals.

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3. Following are the brief facts which are relevant for deciding these appeals:

3.1 The appellants in C.M.A.No.1150 of 2026 are the wife, children and parents, respectively, of the deceased Afrose Basha. The appellants in C.M.A.No.1599 of 2026 are the parents of the deceased Zubair Basha. The appellants in other appeals viz. C.M.A.Nos.1592, 14, 1593 & 1611 of 2026 and 3163 of 2025 are injured persons.

3.2 On 09.06.2014 around 3.30 a.m., while the appellants and the two deceased members were travelling from Bangalore - Salem in a car bearing Registration No. TN 27 E 8475, the driver of the said car who was driving the same in a rash and negligent manner without following the traffic rules, lost control and hit behind a lorry going ahead and applied sudden brake, due to which, the car capsized, resulting in the death of two persons viz. Afrose Basha and Zubair Basha and grievous injuries to other persons. The said car was insured with the second respondent/insurance company and the policy was a comprehensive one, which was valid on the date of accident.



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3.3 The appellants in C.M.A.Nos.1150 & 1593 of 2026 filed petitions for a sum of Rs.25,00,000/- each, the appellants in C.M.A.Nos.1599 of 2026 & 3163 of 2025 filed petitions for a sum of Rs.15,00,000/- each and the appellants in C.M.A.Nos.1592, 1611 & 14 of 2026 filed petitions for a sum of Rs.10,00,000/- each by invoking Section 166 of the Motor Vehicles Act, 1988.

3.4 The first respondent, who is the owner of the car bearing Registration No.TN 27 E 8475, was called absent and set *ex parte*.

3.5 The second respondent/insurance company contested the case by stating that the driver of the car was driving diligently, and on the contrary, the driver of a lorry going ahead in front of the car, applied sudden brake without any signal and therefore, driver of the car lost his balance and hit the lorry from behind. The offending lorry fled from the spot and was not traceable. The driver of the first respondent's car had no valid licence and there were more passengers in the car than the permitted number of passengers and thus, the second respondent/insurance company is not liable, as it violated the policy conditions.

3.6 On the side of the appellants, seven witnesses were examined and twenty seven exhibits were marked and Exs. X1 to X13 were marked through



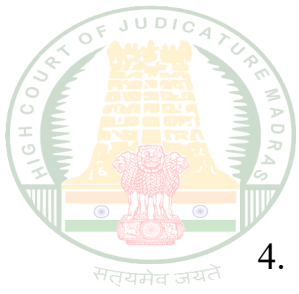
the witnesses. On the side of the respondents, two witnesses were examined and one exhibit was marked. The Tribunal examined one Ganapathy as CW1 and marked Exs.CW1 to CW4.

3.7 The Tribunal framed the following issues:

- (a) Whether the accident took place due to the rash and negligent act of the driver of the 1st respondent?*
- (b) Whether the petitioners are entitled to the compensation as claimed?*
- (c) Whether the respondents are liable to pay the said compensation?*

3.8 The Tribunal, after considering the evidence on record, accepted the case of the claimants and found that the negligence was on the part of the driver of the car and held that the respondents are jointly and severally liable to pay the compensation in C.M.A.Nos.1150 &1599 of 2026 and 3163 of 2025 and in other appeals, held that the second respondent/insurance company is liable to pay the compensation and thereafter, recover the same from the first respondent/owner of the car.

3.9 Not satisfied with the compensation awarded by the Tribunal, the claimants have filed the present appeals seeking enhancement of compensation, as stated in the opening paragraph.



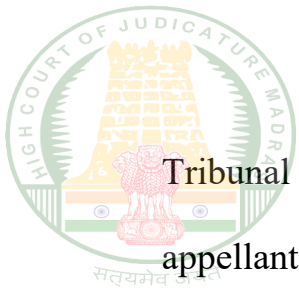
4. The learned counsel appearing for the appellants submitted that the Tribunal has not properly appreciated the facts of the case and erred in not awarding adequate compensation to the appellants. The Tribunal ought to have awarded a fair and just compensation following the settled principles of law. Accordingly, he sought enhancement of compensation in all the appeals.

5. *Per contra*, the learned counsel appearing for the second respondent/insurance company submitted that the Tribunal, taking into consideration all the aspects, has rightly awarded compensation. He further submitted that the appeals have been filed with delay and therefore, the appellants may not be entitled to interest for the delayed period, while calculating compensation.

6. Heard the learned counsel on either side and perused the materials available on record.

7. C.M.A.No.1592 of 2026

7.1 The appellant was aged about 35 years and earning a sum of Rs.9,000/- per month as a Tailor at the time of accident. The appellant sustained a lacerated injury over forehead and a fracture on the right fibula bone, due to which, she was unable to go to work for four months, whereas, the

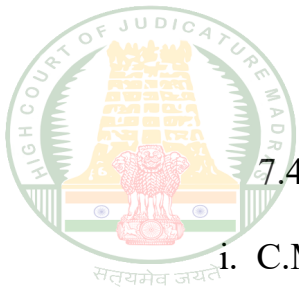


Tribunal has not granted any amount towards loss of income. Further, while the appellant was taking treatment, she had to take extra nourishment and somebody had to attend on her.

7.2 Taking into consideration the above facts, the Tribunal ought to have granted compensation under the heads loss of income, extra nourishment, attender charges and loss of amenities.

7.3 Thus, the compensation awarded by the Tribunal is enhanced and the appellant is entitled to the compensation under various heads as under:

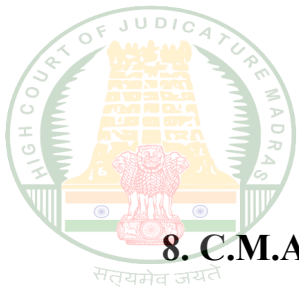
S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/enhanced/reduced/granted
1	Loss of income (Rs. 9,000/- x 4 months)	-NIL-	36,000	Granted
2	Pain and suffering	40,000	40,000	Confirmed
3	Medical Expenses	16,679	16,679	Confirmed
4	Extra nourishment	-NIL-	15,000	Granted
5	Attender charges	-NIL-	15,000	Granted
6	Loss of amenities	-NIL-	20,000	Granted
Total		56,679	1,42,679	Enhanced by Rs.86,000/-



7.4 In the result,

- i. C.M.A.No.1592 of 2026 is allowed and the award passed by the Tribunal for an amount of Rs.56,679/- is enhanced to Rs.1,42,679/-. No costs.
- ii. The second respondent/insurance company is directed to deposit the sum of Rs.1,42,679/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.252 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- iii. Thereafter, the second respondent/insurance company shall recover the said compensation amount from the first respondent/owner of the car.
- iv. On such deposit being made, the appellant is at liberty to withdraw the amount, with costs and interest, after filing a proper petition for withdrawal.
- v. The appellant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- vi. The appellant is not entitled to interest for the default period in filing the above appeal, if any.

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**8. C.M.A.No.14 of 2026:**

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8.1 The appellant was aged about two years at the time of accident. Due to the accident, the appellant sustained undisplaced fracture on the left femus bone. Further, while the appellant was taking treatment, she had to take extra nourishment and somebody had to attend on her.

8.2 The Tribunal has granted a sum of Rs.40,000/- towards pain and suffering, which is inadequate and therefore, the same is enhanced to Rs.50,000/-. Since no compensation was awarded by the Tribunal under the heads extra nourishment, attender charges and loss of amenities, a sum of Rs.15,000/- is awarded under each such head.

8.3 Coming to the amount awarded by the Tribunal as compensation under the head medical expenses, it is just and fair and hence, the same is hereby confirmed.

8.4 Thus, the compensation awarded by the Tribunal is enhanced and the appellant is entitled to the compensation under various heads as under:



S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/enhanced/reduced/granted
1	Pain and suffering	40,000	50,000	Enhanced
2	Medical Expenses	14,432	14,432	Confirmed
3	Extra nourishment	-NIL-	15,000	Granted
4	Attender charges	-NIL-	15,000	Granted
5	Loss of amenities	-NIL-	15,000	Granted
Total		54,432	1,09,432	Enhanced by Rs.55,000/-

8.5 In the result,

- C.M.A.No.14 of 2026 is allowed and the award passed by the Tribunal for an amount of Rs.54,432/- is enhanced to Rs.1,09,432/-. No costs.
- The second respondent/insurance company is directed to deposit the sum of Rs.1,09,432 /- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.255 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- Thereafter, the second respondent/insurance company shall recover the said compensation amount from the first respondent/owner of the car.



iv. On such deposit being made, the appellant is at liberty to withdraw the amount, with costs and interest, after filing a proper petition for withdrawal.

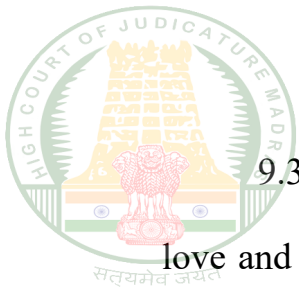
v. The appellant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

vi. The appellant is not entitled to interest for the default period in filing the above appeal, if any.

9. C.M.A.No.1150 of 2026:

9.1 Afrose Basha sustained grievous injuries due to the accident and died on the way to the hospital. He was aged about 40 years and earning a sum of Rs.15,000/- per month as an Accountant in a scrap shop at the time of accident. The appellants are his legal heirs.

9.2 The Tribunal fixed the notional monthly income of Afrose Basha at Rs.5,000/-. Given his age and avocation, this Court is of the view that the same is inadequate and low and therefore, the same is enhanced to Rs.9,000/- per month and if 40% of his income is added towards his future prospects, his total income will work out to Rs.12,600/- (Rs.9,000/- + Rs.3,600/-). After deducting $\frac{1}{4}$ towards his personal expenses and applying 15 multiplier, the compensation towards loss of dependency works out to Rs.17,01,000/- (Rs.12,600/- x $\frac{1}{4}$ x 12 months x 15 multiplier).



9.3 Further, the Tribunal has awarded Rs.20,000/- each towards loss of love and affection for all the claimants. Since a sum of Rs.40,000/- is awarded for the first claimant/wife of Afroze Basha towards loss of consortium, which is just and fair, a sum of Rs.20,000/- awarded for her under the head love and affection is denied. That apart, the award of Rs.20,000/- each of the parents and two children of the deceased under the head love and affection is inadequate and therefore, the same is enhanced to Rs.40,000/- each.

9.4 Since no compensation has been awarded for loss of estate, a sum of Rs.15,000/- is awarded for the same.

9.5 The compensation of Rs.25,000/- awarded by the Tribunal under the funeral expenses is on the higher side and hence, the same is hereby reduced to Rs.15,000/-.

9.6 Thus, the compensation awarded by the Tribunal is enhanced and the appellants are entitled to the compensation under various heads as under:

S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/ enhanced/ reduced/ granted
1	Loss of income	6,00,000	17,01,000	Enhanced
2	Loss of love and affection	1,00,000	1,60,000	Enhanced



S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/enhanced/reduced/granted
3	Loss of consortium	40,000	40,000	confirmed
4	Funeral expenses	25,000	15,000	Reduced
5	Loss of estate	-NIL-	15,000	Granted
Total		7,65,000	19,31,000	Enhanced by Rs.11,66,000/-

9.7 In the result,

- C.M.A.No.1150 of 2026 is allowed and the award passed by the Tribunal for an amount of Rs.7,65,000/- is enhanced to Rs.19,31,000/-. No costs.
- The second respondent/insurance company is directed to deposit the sum of Rs.19,31,000/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.1113 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- On such deposit being made, the appellants are at liberty to withdraw the amount, as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.
- The appellants are directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the



decree only after receipt of Court fee.

- v. The appellants are not entitled to interest for the default period in filing the above appeal, if any.

10. C.M.A.No.3163 of 2025:

10.1 The appellant was aged about 40 years and earning a sum of Rs.600/- per day as the owner of an autorickshaw at the time of accident. He sustained fracture in L2 in the vertebral region, due to which, he was unable to go to work for four months, whereas, the Tribunal has not granted any amount towards loss of income. Further, while the appellant was taking treatment, he had to take extra nourishment and somebody had to attend on him.

10.2 Taking into consideration the above facts, the Tribunal ought to have granted compensation under the heads loss of income, extra nourishment, attender charges and loss of amenities.

10.3 Thus, the compensation awarded by the Tribunal is enhanced and the appellant is entitled to the compensation under various heads as under:

S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/enhanced/reduced/granted
1	Loss of income (Rs.9,000/- x 4 months)	-NIL-	36,000	Granted



S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/enhanced/reduced/granted
2	Pain and suffering	40,000	40,000	Confirmed
3	Medical Expenses	1,00,861	1,00,861	Confirmed
4	Extra nourishment	-NIL-	15,000	Granted
5	Attender charges	-NIL-	15,000	Granted
6	Loss of amenities	-NIL-	20,000	Granted
Total		1,40,861	2,26,861	Enhanced by Rs.86,000/-

10.4 In the result,

- This C.M.A.No.3163 of 2025 is allowed and the award passed by the Tribunal for an amount of Rs.1,40,861/- is enhanced to Rs.2,26,861/-. No costs.
- The second respondent/insurance company is directed to deposit the sum of Rs.2,26,861/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.251 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- On such deposit being made, the appellant is at liberty to withdraw the amount, with costs and interest, after filing a proper petition for withdrawal.



iv. The appellant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

v. The appellant is not entitled to interest for the default period in filing the above appeal, if any.

11. C.M.A.No.1593 of 2026:

11.1 The appellant was aged about 16 years and was studying X standard at the time of accident. The appellant sustained a lacerated injury on the parietal region and a fracture on the left humerus bone.

11.2 The compensation awarded by the Tribunal under the heads disability and medical expenses are just and fair and hence, the same are hereby confirmed.

11.3 Since the amount of Rs.25,000/- awarded by the Tribunal towards pain and suffering is inadequate, the same is enhanced to Rs.40,000/-.

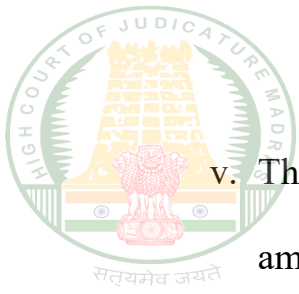
11.4 Thus, the compensation awarded by the Tribunal is enhanced and the appellant is entitled to the compensation under various heads as under:



S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/ enhanced/ reduced/ granted
1	Disability	2,26,000	2,26,000	Confirmed
2	Pain and suffering	25,000	40,000	Enhanced
3	Medical Expenses	95,908	95,908	Confirmed
Total		3,46,908	3,61,908	Enhanced by Rs.15,000/-

11.5 In the result,

- C.M.A.No.1593 of 2026 is allowed and the award passed by the Tribunal for an amount of Rs.3,46,908/- is enhanced to Rs.3,61,908/-. No costs.
- The second respondent/insurance company is directed to deposit the sum of Rs. 3,61,908/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.254 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- Thereafter, the second respondent/insurance company shall recover the said compensation amount from the first respondent/owner of the car.
- On such deposit being made, the appellant is at liberty to withdraw the amount, with costs and interest, after filing a proper petition for withdrawal.



v. The appellant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

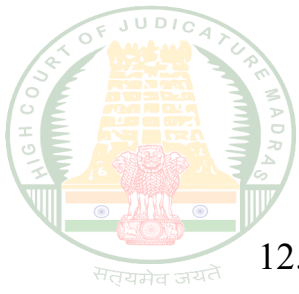
vi. The appellant is not entitled to interest for the default period in filing the above appeal, if any.

12. C.M.A.No.1599 of 2026:

12.1 Zubair Basha sustained grievous injuries due to the accident and died in the hospital. He was aged about 13 years and was studying IX standard at the time of accident. The appellants are his parents.

12.2 The Tribunal awarded a sum of Rs. 3,00,000/- towards the mental agony suffered by the appellants. (To be noted, the Tribunal has wrongly stated that a sum of Rs.3,00,000/- is awarded towards loss of income, which is corrected in the previous sentence). The said amount, on considering the facts and circumstances of the case, is found to be inadequate. Therefore, the compensation under the said head is enhanced to Rs. 6,00,000/-.

12.3 The compensation of Rs.25,000/- awarded by the Tribunal under the head of funeral expenses is on the higher side and hence, the same is hereby reduced to Rs.15,000/-.



12.4 Since no compensation has been awarded for loss of estate, a sum of Rs.15,000/- is awarded for the same.

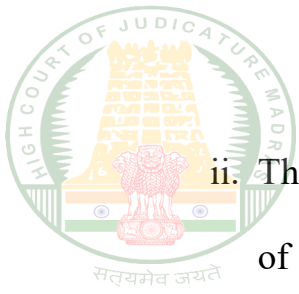
12.5 That apart, the award of Rs.20,000/- each under the head loss of love and affection for the appellants is inadequate and therefore, the same is enhanced to Rs.40,000/- each for the appellants/parents of Zubair Basha.

12.6 Thus, the compensation awarded by the Tribunal is enhanced and the appellants are entitled to the compensation under various heads as under:

S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/enhanced/reduced/granted
1	Loss of income	3,00,000	6,00,000	Enhanced
2	Loss of love and affection	40,000	80,000	Enhanced
3	Funeral expenses	25,000	15,000	Reduced
4	Loss of estate	-NIL-	15,000	Granted
Total		3,65,000	7,10,000	Enhanced by Rs.3,45,000/-

12.7 In the result,

- C.M.A.No.1599 of 2026 is allowed and the award passed by the Tribunal for an amount of Rs.3,65,000/- is enhanced to Rs.7,10,000/-. No costs.



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- ii. The second respondent/insurance company is directed to deposit the sum of Rs.7,10,000/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.1352 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- iii. On such deposit being made, the appellants are at liberty to withdraw the amount, as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.
- iv. The appellants are directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- v. The appellants are not entitled to interest for the default period in filing the above appeal, if any.

13. C.M.A.No.1611 of 2026:

13.1 The appellant was aged about 32 years and earning a sum of Rs.300/- per day as a Tailor at the time of accident. She sustained fracture and dislocation of right forearm in radius bone with inferior RU joint dislocation, due to which, she was unable to go to work for four months, whereas, the Tribunal has not granted any amount towards loss of income. Further, while she was taking treatment, she had to take extra nourishment and somebody had to attend on her.

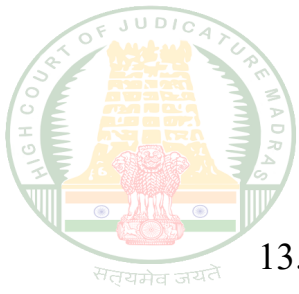


13.2 Taking into consideration the above facts, the Tribunal ought to have granted compensation under the heads loss of income, extra nourishment, attender charges and loss of amenities.

13.3 Further, since the compensation of Rs.10,000/- awarded by the Tribunal under the head pain and suffering in on the lower side, the same is enhanced to Rs.40,000/-.

13.4 Thus, the compensation awarded by the Tribunal is enhanced and the appellant is entitled to the compensation under various heads as under:

S.No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/ enhanced/ reduced/ granted
1	Disability	40,000	40,000	Confirmed
2	Pain and suffering	10,000	40,000	Enhanced
3	Medical Expenses	31,936	31,936	Confirmed
4	Extra nourishment	-NIL-	15,000	Granted
5	Attender charges	-NIL-	15,000	Granted
6	Loss of amenities	-NIL-	20,000	Granted
7	Loss of income (Rs. 9,000/- x 4 months)	-NIL-	36,000	Granted
Total		81,936	1,97,936	Enhanced by Rs.1,16,000/-

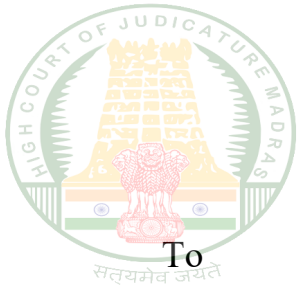


13.5 In the result,

- i. C.M.A.No.1611 of 2026 is allowed and the award passed by the Tribunal for an amount of Rs.81,936/- is enhanced to Rs.1,97,936/-. No costs.
- ii. The second respondent/insurance company is directed to deposit the sum of Rs.1,97,936/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.253 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.
- iii. Thereafter, the second respondent/insurance company shall recover the said compensation amount from the first respondent/owner of the car.
- iv. On such deposit being made, the appellant is at liberty to withdraw the amount, with costs and interest, after filing a proper petition for withdrawal.
- v. The appellant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- vi. The appellant is not entitled to interest for the default period in filing the above appeal, if any.

15-06-2026

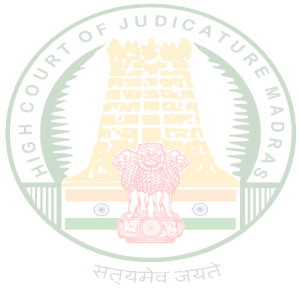
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
nsd



To

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



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CMA No. 1592 of 2026, etc b



A.D.JAGADISH CHANDIRA J.

nsd

CMA.Nos.1592, 14, 1150, 1593, 1599 & 1611 of 2026 and 3163 of 2025

15-06-2026