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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2113 of 2023

1. Parasuraman

2. Jayalakshmi

... Appellants

Vs.

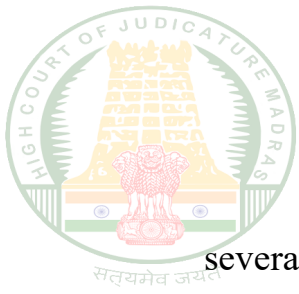
1.Venkatapathy

2. The Divisional Manager,
National Insurance Co.Ltd.,
No.110, J.N.Street,
Puducherry

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award from Rs.12,54,000/- in the Decree and Judgment in M.C.O.P.No.67 of 2018 dated 08.04.2022 on the file of II Additional District Judge, Tindivanam to Rs.25,00,000/- by allowing this Civil Miscellaneous Appeal with interest and to set aside the order against the second respondent and consequently directing the second respondent to pay the award amount jointly and

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severally as liable.

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For Appellant	: Mr.R. Balagurusamy
For R1	: No Appearance
For R2	: Mr.J. Michael Viswasam

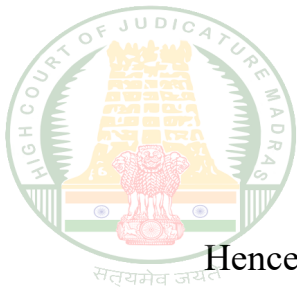
JUDGMENT

The appellants have filed this appeal to enhance the compensation awarded in M.C.O.P.No.67 of 2018 dated 08.04.2022 on the file of II Additional District Judge, Tindivanam.

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

On 22.12.2017 while the deceased Jayabalan was returning back to his home at about 6.45 in the Pondy to Mailam Road near Ramesh Shop, a tractor bearing Reg.No.TN-30-AD-0927 drove the vehicle in rash and negligent manner towards Pondy and dashed against the backside of the deceased, due to which the deceased died on the spot itself. The said accident occurred due to the rash and negligent of the tractor driver .

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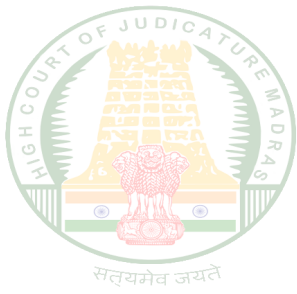
Hence, the appellant has filed a M.C.O.P.No.67 of 2018 on the file of II

Additional District Judge, Tindivanam seeking compensation.

4. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.12,54,000/- as compensation, directed the second respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

5. 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.

6. Heard Mr. R. Balagurusamy learned counsel appearing for the appellants, and Mr.J. Michael Viswasamn, learned counsel appearing for the 2nd respondent.



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7. The learned counsel for the appellants contended that the Tribunal has failed to apply proper multiplier method in the facts of the present case. He further submitted that the compensation awarded under various heads are very less. Therefore, prayed for enhancement of compensation.

8. On the other hand, the learned counsel appearing for the 2nd respondent contended that the quantum of 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. However, the learned Judge ought to have fixed the liability on the side of the first respondent as there is a violation of policy condition.

9. With regard to the fastening the liability on the side of the second

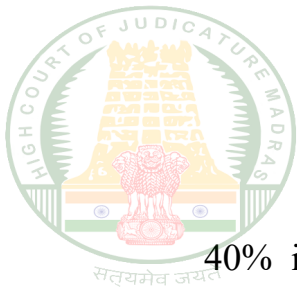


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respondent, the Tribunal failed to take note that the driver of the tractor was driven the tractor towed with two trailer at the time of accident, which is a violation of policy condition. Further on a perusal of policy copy it reveals that the policy is not covered if the tractor and trailer are used for the purpose other than that for which it was meant. Hence, this Court is of the view that fastening the liability on the first respondent would be proper. Hence, the second respondent is directed to pay the compensation and recover the same from the first respondent.

10. With regard to quantum it is seen that the deceased was working as a Automobile engineer and earning a sum of Rs.25,000/- per month as mentioned in their claim petition. In the circumstances, this Court is of the opinion that fixing the notional monthly income(Rs.500x30) of the deceased at Rs.15,000/- would meet the ends of justice.

11. As per the dictum laid down by the Hon'ble Supreme Court ,



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40% is to be added towards future prospects of the deceased and 15 multiplier is applied to arrive the quantum. The deceased died, leaving behind the appellants, who are his legal heirs. Hence, $\frac{1}{2}$ of the income is to be deducted towards the deceased's personal expenses.

Calculation

Notional Income = Rs.15,000/-

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

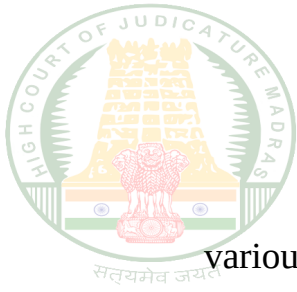
After $\frac{1}{2}$ deduction = 21,000 – 10,500 = Rs.10,500/-

Loss of dependency

= Rs.10,500 x 12 x 18

= Rs.22,68,000/-

12. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under

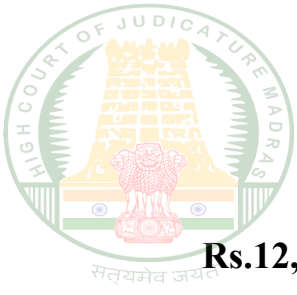


various heads:

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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of dependency	11,34,000/-	22,68,000/-
2.	Loss of Estate	15,000/-	15,000/-
3.	Transport Expenditure	10,000/-	10,000/-
4.	Funeral expenses	15,000	15,000/-
5.	Loss of Love and affection to the first and second petitioners/appellants	80,000	80,000/-
	Total	Rs.12,54,000	Rs.23,88,000/-

Thus, the compensation awarded by the Tribunal is enhanced from



Rs.12,54,000/- to Rs.23,88,000/-, which shall carry interest at the rate of

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7.5% per annum.

12. In the result:

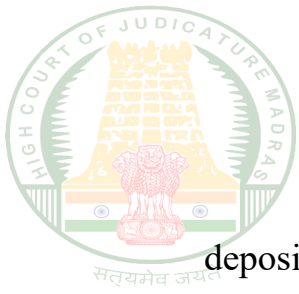
i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.

Rs.12,54,000/- to Rs.23,88,000/-.

iii. The appellants/claimants is 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/ National Insurance Co.Ltd., is directed to



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deposit the enhanced compensation amount, i.e., Rs. **23,88,000/-** (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.67 of 2018 dated 08.04.2022 on the file of II Additional District Judge, Tindivanam, within a period of four weeks from the date of receipt or uploading of a copy of this order and recover the same from the owner of the vehicle later.

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.

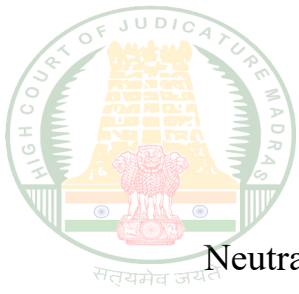
vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

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Index:Yes/No

Speaking/non Speaking order

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Neutral Case citation: yes/no

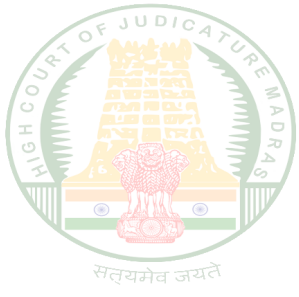
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To

1. The Motor Accident Claims Tribunal,
II Additional District Judge, Tindivanam
2. The Divisional Manager,
National Insurance Co.Ltd.,
No.110, J.N.Street,
Puducherry .
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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