

CMA No.3163 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3163 of 2024

1.M.Govindammal
2.Minor M.Lashiga
D/o.K.Manikandan
(Minor 2nd appellant represented
by her mother and next friend
M.Govindammal the 1st appellant). ... Appellants

Vs.

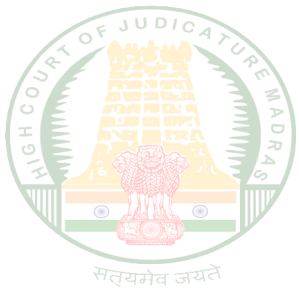
1.P.Neelamegam
2.The New India Assurance Company Ltd.,
Motor Third Party Claims Office,
No.232, Bombay Mutual Building, 6th Floor,
NSC Bose Road, Chennai-1. ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation in judgment and decree dated 03.04.2024 in M.C.O.P.No.2231 of 2021 on the file of the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

For Appellant : Mr.R.Nalliyappan

For R2 : Mrs.S.R.Sumathy

JUDGMENT

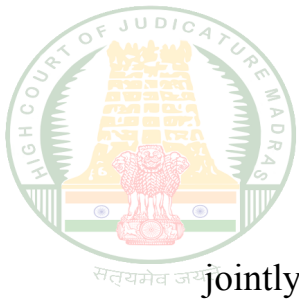


CMA No.3163 of 2024

WEB COPY The appellants have filed this appeal against the award passed in M.C.O.P. No. 2231 of 2021 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, dated 03.04.2024.

2. The brief facts of the case of the appellants/claimants are as follows: The 1st appellant is the wife and the 2nd appellant is the daughter of the deceased, Mr. K. Manikandan. On 18.04.2021, at about 16:00 hours, while the deceased was travelling as a pillion rider on a motorcycle bearing Registration No. TN-19-X-9924, proceeding on Trichy Road near Paranur, from the Chennai Railway Over Bridge in the Guindy to Savarambakkam direction, the rider of the motorcycle drove the vehicle in a rash and negligent manner, without following traffic rules and regulations, and dashed against the centre median. Due to the impact, the deceased sustained grievous injuries, was admitted to SRMC Hospital, and succumbed to his injuries on 19.04.2021 while undergoing treatment.

At the time of the accident, the deceased was aged 45 years. He was working as a flower vendor (marriage decorator) and was earning Rs. 30,000/- per month. The 1st respondent is the owner, and the 2nd respondent is the insurer, of the said motorcycle. Both respondents are



CMA No.3163 of 2024

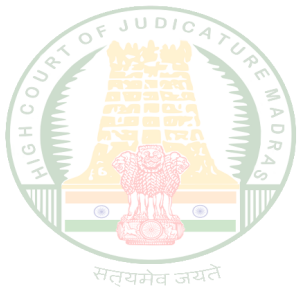
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jointly, severally, vicariously, and statutorily liable to pay compensation to the appellants / petitioners, along with interest.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 22,20,000/- 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 (excluding the period of dismissal for default, if any).

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 flower vendor (Marriage Decorator) earning Rs.30,000/- per month. However, the Tribunal erroneously considered only salary of Rs. 15,000/-. He therefore, prayed for enhancement of compensation.



CMA No.3163 of 2024

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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.

7. The deceased was working as a flower vendor (Marriage Decorator). However, no documentary evidence was adduced by the claimants to substantiate their claim that the deceased was earning a sum of Rs.30,000/- 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.18,000/- 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**, 25% is to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his legal heirs, namely, his wife and one minor children. Hence, 1/3 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 45 years at the time of the accident, and as per the decision rendered



CMA No.3163 of 2024

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 14.

9. Calculation

Notional Income = Rs.18,000/-

40% Future Prospects = 18,000 + 4,500 = 22,500/-

After 1/3 deduction = 22,500 – 7,500 = Rs.15,000/-

Loss of dependency

= Rs.15,000 x 12 x 14

= Rs.25,20,000/-

10. In addition, the compensation awarded by the Tribunal under the head of (i) Loss of Estate is enhanced from Rs.15,000/- to Rs.16,500/-, (ii) Funeral expenses is enhanced from Rs.15,000/- to Rs.16,500/- and transportation charges are enhanced from Rs.10,000/- to Rs.15,000/-.

11. 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	21,00,000	25,20,000
2.	Loss of Estate	15,000	16,500
3.	Funeral expenses	15,000	16,500
4.	Loss of Consortium	80,000	80,000
5.	Transportation Expenses	10,000	15,000
	Total	Rs.22,20,000	Rs.26,48,000

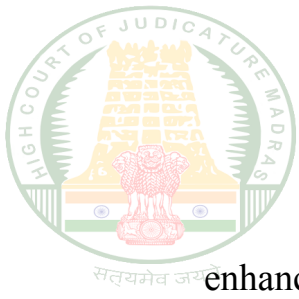
Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,20,000/- to Rs.26,48,000/-, which shall carry interest at the rate of 7.5% per annum.

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.22,20,000/- to Rs.26,48,000/-.

iii. The appellants/claimants are directed to pay the Court fee for the



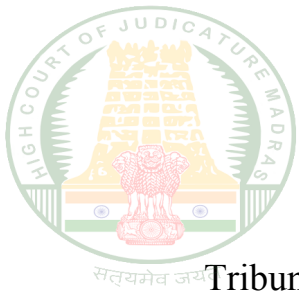
CMA No.3163 of 2024

WEB COPY

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, New India Assurance Company Ltd., Chennai-1, is directed to deposit the enhanced compensation amount, i.e., Rs.26,48,000 /- (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. 2231 of 2021 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, within a period of four weeks from the date of receipt or uploading of a copy of this order, in the first instance. Thereafter, the Insurance Company is at liberty to recover the same from the owner of the vehicle / 1st respondent, under the same cause of action.

v. On such deposit being made by the 2nd respondent/ Insurance company, the 1st appellant/1st claimant is at liberty to withdraw her share as per the apportionment made by the Tribunal. The 2nd appellant, who is a minor, and represented by her mother / the 1st appellant, shall have her share of compensation amount, as per the apportionment made by the



CMA No.3163 of 2024

WEB COPY

Tribunal, be deposited in any one of the Nationalized Banks till she attains majority.

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

23.07.2025

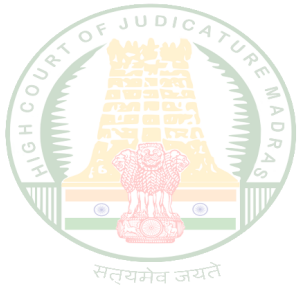
Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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To

- 1.The Motor Accident Claims Tribunal,
Chief Judge, Small Causes Court, Chennai.
- 2.The New India Assurance Company Ltd.,
Motor Third Party Claims Office,
No.232, Bombay Mutual Building, 6th Floor,
NSC Bose Road, Chennai-1.
- 3.The Section Officer, V.R. Section,
High Court of Madras.

T.V.THAMILSELVI, J.

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CMA No.3163 of 2024

C.M.A.No. 3163 of 2024

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