IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.02.2026

Pronounced on : 16.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 3801 of 2025

Kuttyammal (died)
1. Suresh
2. Selvakumar …Appellants

Cause title accepted vide court order dated 18.11.2025 made in CMP No.27888/2025 in CMA Sr. No.179368/2025.

Vs.

1. S. Arulananthu
2. The New India Assurance Company Limited.,
No.232, NSC Bose Road, LIC Building,
6th Floor, Chennai 600 001. …Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 25.09.2024 made in M.A.C.T.O.P. No.473 of 2021, on the file of the Chief Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

For Appellants : Ms. A. Subadra
For Respondents : Mr.J.Chandran for R2
R1– served – No appearance.

JUDGMENT

This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants / claimants in M.A.C.T.O.P. No.473 of 2021, on the file of the Chief Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai, for enhancement of the compensation awarded by the claims tribunal.

2. For the sake of convenience, the parties are referred to as per their ranking in the Tribunal.

3. Shortly stated, on 06.11.2020, at about 16.00 hours, while the deceased Balaraman was riding a Motorcycle bearing Registration No. TN 05 AU 4806 from Vadanemili to Tiruporur direction, at Perur Junction, a Maruti Suzuki Car bearing Registration No. TN 05 AU 7176, came in the same direction, driven in a rash and negligent manner, rammed behind the deceased's motorcycle, as a result of which, the deceased sustained fatal injuries and died on 09.11.2020.

4. The legal representatives of the deceased preferred a claim petition for a compensation of Rs.49,00,000/- for the loss caused to them due to the death of deceased Balaraman.

5. The Tribunal accepted the claim of the claimants in part and awarded a total sum of Rs.9,70,000/- in favour of the petitioners, and directed the 2nd respondent/Insurance Company to pay the award amount to the claimants with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realisation.

6. Questioning the findings of the Tribunal with regard to the age of the deceased and 50% deduction towards his personal expenses for calculating loss of income, the appellants / claimants are on appeal.

7. Ms. A. Subadra, the learned counsel for the appellants / claimants submits that the deceased was engaged in business and was earning a sum of Rs.30,000/- per month, however, the Tribunal had fixed the monthly income of the deceased notionally at Rs.15,000/- per month, which is very meagre.

She would further submit that, though the age of the deceased at the time of accident was 58 years, as per FIR, Death Certificate and Post Mortem Certificate, the Tribunal erred in taking the age of the deceased as more than 60 years and that since there are three dependants, the Tribunal ought to have deducted 1/3rd towards the personal expenses of the deceased instead of 50% as per the decision of the Hon'ble Supreme Court in ***Sarla Verma vs. Delhi Transport Corporation*** reported in ***(2009) 6 SCC 121***. She would further submit that the Tribunal ought to have awarded more compensation under all the heads. Hence prayed for allowing this appeal.

8. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that, the learned Tribunal, after analysing the oral and documentary evidence, has rightly fixed the age of the deceased as 60 and deducted 50% towards his personal expenses since the petitioners 2 and 3 are adult and married and awarded just compensation, which warrants any interference by this Court.

9. Heard on both sides. Records perused.

10. The findings of the learned Tribunal regarding the involvement of the vehicle in question, the negligence of the respondent No.1, driver of the offending vehicle, and the deceased having sustained fatal injuries which ultimately resulted in his death, are against the respondents in the claim petition. The aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

11. Now, the question arises as to whether fixing of notional monthly income of the deceased at Rs.15,000/- and deducting 50% towards his personal expenses by the Tribunal is appropriate and reasonable.

12. On a perusal of the impugned order, it is seen that, since no proof has been adduced by the claimants for the income of the deceased, the Tribunal had fixed the notional monthly income of the deceased at Rs.15,000/-. However, considering the year of accident, this Court deems it fit to fix the monthly income of the deceased as Rs.17,000/-.

12.1. Though the Tribunal has observed that, as per death certificate (Ex.P2) and Post mortem Certificate (Ex.P15) the age of the deceased was 58 years, it fixed the age of the deceased as above 60 by holding that the petitioners have withheld the age proof documents of the deceased, presumably to obtain a higher multiplier. However, this Court is of the view that the death certificate and post-mortem certificate can be relied upon to fix the age of the deceased, especially when no better evidence, such as a birth certificate, school certificate, or Aadhar card, is available. Accordingly the age of the deceased is fixed as 58 as per the death certificate and post-mortem certificate.

12.2. Now, coming to the issue of 50% deduction made by the Tribunal towards the personal expenses of the deceased, in the case of ***National Insurance Company Limited vs. Birender and others reported in (2020) 11 SCC 356***, the Hon'ble Apex Court clarified that adult children, even if earning, could be considered dependants based on the specific facts of the case. The Hon'ble Apex Court emphasised that dependency is not solely determined by financial independence but also by other facts, such as, living arrangements and extent of financial support provided by the deceased. If the adult sons were earning modest incomes and living with the deceased, they could be considered dependants. Moreover, the standardized deduction for a married person is 1/3 in view of **Sarla Verma's case (cited supra).** The relevant portion is extracted hereunder:

> *"30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra [(1996) 4 SCC 362] , the general practice is to apply standardised deductions. Having considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six."*

Hence, this Court deems it appropriate to deduct 1/3 towards the personal expenses of the deceased. Considering the age of the deceased and applying the principles laid down in ***National Insurance Co. vs Pranay Sethi and***

others reported in ***2017 (2) TNMAC 601***, 10% is added towards future prospects and multiplier 9 is adopted as per the judgment reported in ***2009 (2) TN MAC 1 (SC), Sarla Verma and Others vs. Delhi Transport Corporation and Others.*** Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.17,000/-

10% Future Prospects = Rs.18,700/-

Loss of dependency

= Rs.18,700/- x 12 x 9 - 1/3

= Rs.13,46,400/-

The Tribunal has awarded just compensation under the other heads, warrants any interference

13. The following tabular column would show the compensation awarded by the Tribunal and by this Court.

S. No.	**Description**	**Amount awarded by Tribunal (Rs.)**	**Amount awarded by this Court (Rs.)**	**Modification**
1.	Loss of dependency	8,10,000/-	13,46,400/-	**enhanced**

2.	Loss of Estate	15,000/-	15,000/-	confirmed
3.	Loss of consortium	1,20,000/-	1,20,000/-	confirmed
4.	Funeral Expenses	15,000/-	15,000/-	confirmed
5.	Transportation charge including damages	10,000/-	10,000/-	confirmed
	Total	9,70,000/-	15,06,400/-	Enhanced by 5,36,400/-

14. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs.

ii.The quantum of compensation awarded by the Tribunal is enhanced to Rs.15,06,400/- from Rs.9,70,000/-.

iii.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.

iv.The 2nd respondent/Insurance company is directed to deposit a sum of Rs.15,06,400 /-(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 four weeks from the date of receipt of a copy of this order to the credit of M.A.C.T.O.P. No.473 of 2021, on the file of the Chief Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

v. On such deposit being made, the appellants are at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal. The share of the deceased 1st petitioner, as apportioned by the Tribunal, shall be withdrawn by her legal heirs after filing necessary application.

vi. The appellants/claimants are not entitled for any interest for the default period in filing the above appeal.

16.03.2026

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Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To

1. The Chief Judge, Court of Small Causes,
   Motor Accident Claims Tribunal, Chennai.

2.The New India Assurance Company Limited.,
   No.232, NSC Bose Road, LIC Building,
   6th Floor, Chennai 600 001

K.GOVINDARAJAN THILAKAVADI, J.

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Pre-delivery Judgment in

C.M.A.No. 3801 of 2025

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