



C.M.A.No.3901 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.3901 of 2025

1.S.Lakshmi
2.S.Thamilvanan
3.S.Mathumitha
4.Kaveri
5.S.Thangaiyan

... Appellants / Petitioners

vs.

1.M.Periyasamy
2.S.Murali
3.National Insurance Co. Ltd.,
No.74-A, Paramathi Road,
Namakkal-637 001,

4.Reliance General Insurance Company Limited,
No.408, 3rd Floor,
Sakthi Super Market Building,
Perundurai Road,
Erode-638 011.

... Respondents / Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 31.07.2025 passed in M.C.O.P.No.192 of 2022 on the file of the Special District Court (to deal with MCOP cases), Erode.

For Appellants : Mr.R.Nalliyappan

For Respondents : R1 & R2 – No Appearance

Mr.C.Paranthaman[R3]

Mr.P.Suresh Srinivasan [R4]



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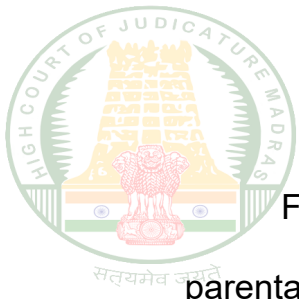
JUDGMENT

WEB COPY Not satisfied with the Award dated 31.07.2025 passed in M.C.O.P.No.192 of 2022 on the file of the Special District Court (to deal with MCOP cases), Erode, the dependents of the deceased Saravanan have preferred this Civil Miscellaneous Appeal for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Claim petition was filed by the legal heirs of the deceased Saravanan under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.50,00,000/- for the death of the said person in a road traffic accident that took place on 22.05.2021.

4. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, passed an Award for a sum of Rs.18,88,500/- with 7.5% interest per annum from the date of claim petition. The amounts awarded under various heads are given hereunder:-



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For loss of Dependency - Rs.16,33,500/-; For loss of spousal, parental and filial consortium - Rs.2,20,000/-; For Funeral Expenses and for Loss of Estate – Rs.16,500/- under each head; For Damages to clothing and articles Rs.2,000/-, in toto Rs.18,88,500/- was granted.

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5. The learned counsel for the appellants / claimants would strenuously argue that the deceased was 53 years of age at the relevant point of time, he was working as dry cleaner and earning a sum of Rs.25,000/- per month and his income was fixed notionally at Rs.15,000/- p.m., and sought for enhancement of compensation.

6. Per contra, the learned counsel for the 2nd respondent/Insurance Company would contend that to prove the avocation of the deceased, his employer was not examined. Therefore, based upon the available evidence, the Tribunal has taken the income of the deceased at Rs.15,000/- per month is quite reasonable. Hence, it does not warrant any interference by this Court.

7. The manner in which the accident took place is not in dispute. It has come on record through the evidence of PW1 that the deceased was



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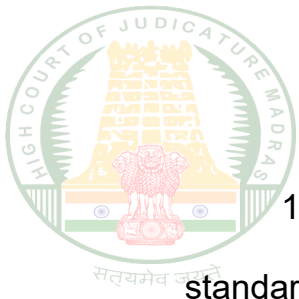
working as a dry cleaner and earning a sum of Rs.25,000/- per month. To

substantiate the same, no concrete proof is given.

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8. As regards avocation of the deceased, the F.I.R., reads that the deceased was working as tractor driver in the private Company. I.D., card of the deceased issued by SKM Animal Feeds and Foods (India) Private Limited, Erode and the I.D., card issued by Tamil Nadu Labour Welfare Association have been marked as Exs.P22 and P23. By relying upon the said documents, his avocation is taken as driver. The date of accident is 22.05.2021. As per Ex.P19 Aadhaar card of the deceased, his age is taken as 53 years at the relevant point of time.

9. In consideration of the aforestated details, notional income of the deceased is taken as Rs.19,000/- p.m. As held in ***Smt.Sarla Verma and Ors., v. Delhi Transport Corporation and Another*** reported in ***2009 (2) TN MAC 1 (SC)***, the relevant multiplier to be adopted is 11m. The claimants are five in number. In the matter of deduction for personal and living expenses, if the dependents of the deceased are 4 to 6, then 1/4th has to be deducted.



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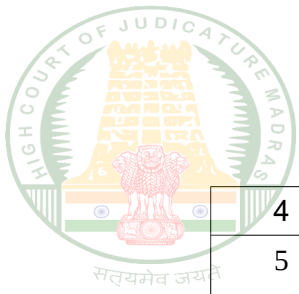
10. As regards future prospects, the Hon'ble Supreme Court has standardised the details in ***National Insurance Co. Ltd., v. Pranay Sethi and others***, reported in ***2017 (2) TN MAC 609(SC)***, for the age group of persons between 50 and 60 years for the employed persons, 10% has to be added along with income for computing loss of dependency.

11. Based on the aforesaid details, for computing loss of dependency, following formula emerges :-

$$\text{Rs.}19,000/- + 10\% - 1/4 \times 12 \times 11m = \text{Rs.}20,69,100/-.$$

12. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence it does not warrant any interference by this Court. Therefore, the amounts awarded as mentioned supra, is reworked and tabulated below:

Sl. No.	Description-	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Dependency	Rs.16,33,500/-	Rs.20,69,100/-	Enhanced
2	For loss of spousal, parental and filial consortium	Rs. 2,20,000/-	Rs. 2,20,000/-	Confirmed
3	For Funeral Expenses	Rs. 16,500/-	Rs. 16,500/-	Confirmed



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4	For Loss of Estate	Rs. 16,500/-	Rs. 16,500/-	Confirmed
5	For Damages to Clothing and Articles	Rs. 2,000/-	Rs. 2,000/-	Confirmed
	Total	Rs.18,88,500/-	Rs.23,24,100/-	
	Rounded of as		Rs.23,24,000/-	

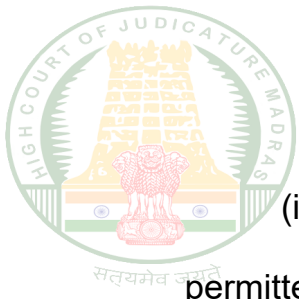
13. Thus, the compensation awarded by the Tribunal is enhanced from Rs.18,88,500/- to **Rs.23,24,000/-** which would carry interest at the rate of 7.5% per annum from the date of claim petition.

14. In the result,

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

(ii) The compensation awarded by the Tribunal is enhanced from Rs.18,88,500/- to **Rs.23,24,000/-**.

(iii) The 3rd respondent / National Insurance Company Limited, is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.23,24,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition (**excluding the period of default, if any**) to the credit of M.C.O.P.No.192 of 2022 on the file of the Special District Court (to deal with MCOP cases), Erode, within a period of eight weeks from the date of receipt of a copy of this Judgment.



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(iv) On such deposit being made, the appellants/claimants are permitted to withdraw the amount now determined by this Court, as per the apportionment made by the Tribunal, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal.

(v) The claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

24.03.2026

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

To:

1. The Motor Accident Claims Tribunal,
Special District Court, Erode.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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