



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMA Nos. 47 and 361 of 2026

and

CMP No. 4404 of 2026

CMA.No.47 of 2026

1. Savitri Kar
W/o.Late.Sudeshkumar Kar @ Sureshkumar Kar,
Dumuriya, Kalmi,
Bharagora, East Singhbhum,
Jharkhand 832 101
2. Radha Rani Sarkar
W/o Santanu Sarkar,
Rajestate,
Ghatshila,
East Singhbhum,
Jharkhand 832 303
3. Dinbadhur Kar
S/o Late Sudeshkumar Kar @ Sureshkumar Kar
4. Rajiv Kar
S/o Late Sudeshkumar Kar @ Sureshkumar Kar
5. Minor Sanjiv Kar
S/o Late Sudeshkumar Kar @ Sureshkumar Kar,

Appellants 3 to 5 residing at Dumuriya, Kalmi,
Bharagora, East Singhbhum,
Jharkhand 832 101
(Minor represented by his mother and natural
guardian Savitri Kar)

..Appellant(s)

Vs.

1. Vijayaragavan
S/o.Thangavel,
No.4/67-A, Samrajpalayam,
Kasthuripalayam,
Perundurai, Erode 638 751



2. United India Insurance Company Limited,
Branch Office, 129C,
Coimbatore Main Road,
Dasampalayam,
Mettupalayam,
Tamil Nadu 641 301
(No relief sought against the 1st respondent,
hence notice may be dispensed with)

..Respondent(s)

CMA No. 361 of 2026

United India Insurance Company Limited
Branch Office, 129C, Coimbatore Main Road,
Dasampalayam,
Mettupalayam - 641301

..Appellant(s)

Vs.

1. Savitri Kar
W/o.Late.Sudeshkumar Kar @ Sureshkumar Kar,
Residing at Dumuriya, Kalmi,
Bharagora, East Singhbhum,
Jharkhand 832 101
2. Radha Rani Sarkar
W/o. Santanu Sarkar,
Residing at Rajestate, Ghatshila,
East Singhbhum,
Jharkhand 832 303
3. Dinbadhur Kar
S/o Late Sudeshkumar Kar @ Sureshkumar Kar,
Residing at Dumuriya, Kalmi,
Bharagora, East Singhbhum,
Jharkhand 832 101
4. Rajiv Kar
S/o Late Sudeshkumar Kar @ Sureshkumar Kar,
Residing at Dumuriya, Kalmi,
Bharagora, East Singhbhum,
Jharkhand 832 101
5. Minor Sanjiv Kar
S/o Late Sudeshkumar Kar @ Sureshkumar Kar,



Residing at Dumuriya, Kalmi,
Bharagora, East Singhbhum,
Jharkhand 832 101

(Minor represented by his mother and natural
guardian Savitri Kar)

6. Vijayaraghavan
S/o. Thangavel,
No. 4/ 67A, Samrajpalayam,
Kasthuripalayam, Perundurai,
Erode - 638 751

..Respondent(s)

Prayer in CMA No. 47 of 2026: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award in Judgement and Decree Dated 11.11.2025 passed in MCOP.No.107 of 2024 on the file of the Motor Accident Claims Tribunal / Sub Court, Mettupalayam, Coimbatore District.

CMA No. 361 of 2026: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Award dated 11.11.2025 passed in M.C.O.P. No. 107 of 2024 on the file of the Motor Accident Claims Tribunal / Sub Judge, Mettupalayam and be pleased to dismiss the above claim as against the appellant.

CMA No. 47 of 2026

For Appellant(s) : Mr.C.Prabakaran
For Respondents : Mr.C.Munusamy for R1
Mr.D.Venkatachalam for R2

CMA No. 361 of 2026

For Appellants : Mr.D.Venkatachalam
For R1 to R5 : Mr.C.Prabakaran
For R6 : Mr.C.Munusamy



COMMON JUDGMENT

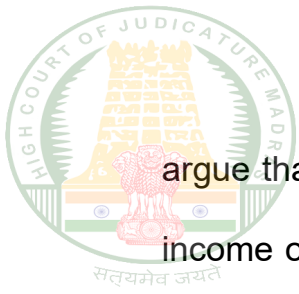
Not satisfied with the quantum of compensation of the Award dated 11.11.2025 passed in MCOP No.107 of 2024 on the file of the Motor Accident Claims Tribunal / Sub Court, Mettupalayam, Coimbatore District, the legal heirs of deceased Sudeshkumar Kar have preferred this Civil Miscellaneous Appeal, for enhancement of compensation.

2. Whereas, C.M.A.No.361 of 2026 has been filed by the Insurance Company against the Award dated 11.11.2025 passed in MCOP No.107 of 2024 on the file of the Motor Accident Claims Tribunal / Sub Court, Mettupalayam, Coimbatore District, for a change in the quantum of compensation.

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

4. The learned counsel for the appellants / claimants would strenuously argue that the deceased was working as labour in a private company and earning a sum of Rs.30,000/- per month. For the accident occurred in the year 2024, fixing of notional income at Rs.20,000/- is less and sought for enhancement of compensation.

5. Whereas the learned counsel for the Insurance Company would

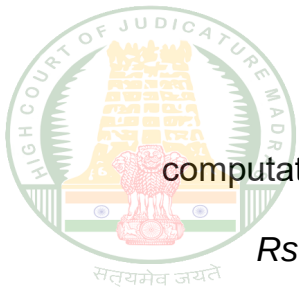


argue that the deceased was said to be a daily wager and assuming notional income of the deceased at Rs.20,000/- is on the higher side and sought for a change in the quantum of compensation.

6. The manner in which the accident took place is not in dispute. It has come on record through the evidence of P.W1 that the deceased was working as a labour in a private company and earning a sum of Rs.30,000/- per month. To substantiate the said details, no concrete proof is marked by the claimants.

7. The learned counsel for the appellants placed reliance upon the income fixed by this Court in *Reliance General Insurance Company Limited Vs. Ajithkumar and others* [CMA.No.3796 of 2025 and Cross Objection No.25 of 2026 dated 25.03.2026]. In the said case, the claimant was stated to be working as a Cooking Master in Adyar Ananda Bhavan and the monthly income was assumed at Rs.20,000/- for the claimant.

8. As per the Ex.P8, Post Mortem Certificate, age of the deceased is taken as 48 years. This Court deems fit to fix the income of the deceased at Rs.21,000/- per month. There is no issue with regard to the selection of multiplier and addition of future prospectus etc. As per the principle laid down by the Hon'ble Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another*, 2009 (2) TN MAC 1 (SC) and *National Insurance Co. Ltd. v. Pranay Sethi and others*, 2017 (2) TN MAC 609 (SC), for



computation of loss of dependency, the following formula emerges:

$$Rs.21,000/- + 25\% - \frac{1}{4} \times 12 \times 13m = Rs.30,71,172/-$$

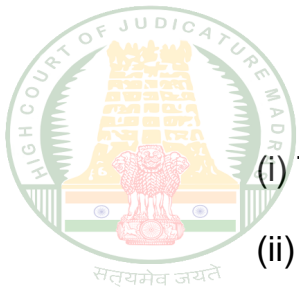
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9. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and hence, it does not call for any interference by this Court. The amounts awarded by this Court as mentioned supra after rework is tabulated hereunder:

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.29,25,000/-	Rs.30,71,172/-	Enhanced
2	For Loss of Estate	Rs.16,500/-	Rs.16,500/-	Confirmed
3	For Loss of Love and Affection	Rs.2,20,000/-	Rs.2,20,000/-	Confirmed
4	For Funeral Expenses	Rs.16,500/-	Rs.16,500/-	Confirmed
	Total	Rs.31,78,000/-	Rs.33,24,172/- Rounded off to Rs.33,24,000/-	Enhanced

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.31,78,000/- to Rs.33,24,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

11. In the result,



(i) The Civil Miscellaneous Appeal No.47 of 2026 stands allowed.

(ii) Civil Miscellaneous Appeal No.361 of 2026 stands dismissed.

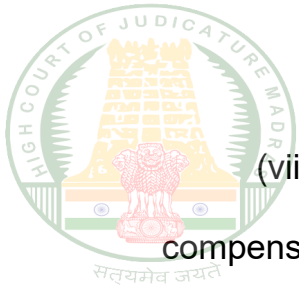
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(iii) The compensation awarded by the Tribunal is enhanced from Rs.31,78,000/- to Rs.33,24,000/-.

(iv) The Insurance Company/second respondent in C.M.A.No.47 of 2026 is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.33,24,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit **(excluding the period of default, if any)** to the credit of MCOP. No.107 of 2024 on the file of the Motor Accident Claims Tribunal, Sub Court, Mettupalayam, within a period of six weeks from the date of receipt of a copy of this Judgment.

(v) On such deposit being made, the claimants no.1 to 4 are permitted to withdraw their share amount as apportioned by the Tribunal, along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(vi) The share of the appellant 5/Minor in C.M.A.No.47 of 2026 shall be deposited in any one of the nationalized bank in an interest bearing Fixed Deposit, initially for a period of three years, renewable thereafter, till the minor attains majority and the first appellant in C.M.A.No.47 of 2026, who is the mother of the minor, is permitted to withdraw interest once in three months from the said amount and utilise the same for the welfare of the minor claimant 5 in C.M.A.No.47 of 2026.



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

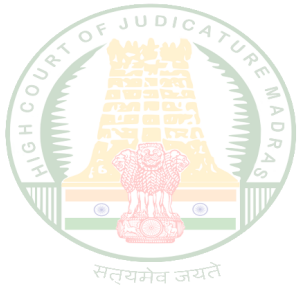
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(viii) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

-04-2026

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

MAC



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CMA Nos. 47 and 361 of 2



R.KALAIMATHI J.

MAC

To

1. The Motor Accident Claims Tribunal/Subordinate Court, Mettupalayam.
2. The Section Officer,
VR Section,
High Court, Madras

**CMA Nos. 47 and 361 of 2026
and
CMP No. 4404 of 2026**

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