



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.674 of 2024

1.Kamala

2.Logeswary

3.Minor.Mohankumar

4.Varadhan

..Appellants

.vs.

1.K.Janarthanan

2.The United India Company Limited,
No.43/397, Anna Indira Gandhi Street,
Rajajipuram Part-2, Tiruvallur – 602 001.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 25.11.200 made in MACTOP No.25 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with Motor Accident Claims Tribunal No.1, Tiruvallur.

For Appellants : Ms.A.Subadra

For Respondents : Mr.K.Swaminathan for R2



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT-I, Special District Court, Tiruvallur in MACTOP No.25 of 2022 dated 25.11.2022, wherein, the claimants are seeking for enhancement of compensation.

2.The 1st claimant is the wife, the 2nd claimant is the daughter and the 3rd claimant is the minor son and the 4th claimant is the father of the deceased Sankar.

3.The case of the claimants is that on 01.01.2022, the deceased was a pedestrian walking on the left hand side of the road at Chennai, RG Salai and at about 6 p.m. near Sun Tech Park, the two wheeler belonging to the 1st respondent was driven in a rash and negligent manner and it dashed on the deceased. As a result of which, he sustained grievous injuries and he succumbed to the injuries on 08.01.2022. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion



that the accident had taken place only due to the rash and negligent driving on the part of the rider of the two wheeler.

5. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.21,10,328/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency Rs.13,000 + 25% x 12 x 18 x 1/4	19,01,328
Loss of Estate	16,500
Loss of Consortium	1,76,000
Funeral Expenses	16,500
Total	21,10,328

7. The above compensation is liable to be paid along with interest at the rate of 7.5% per annum.

8. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

9. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents.



10. In the case in hand, the accident had taken place in the year 2022.

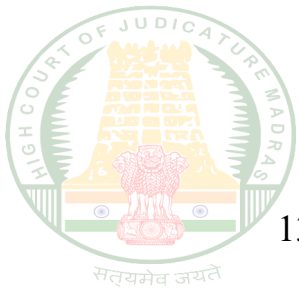
There were totally four claimants in this case. The Tribunal has fixed the notional monthly income at Rs.13,000/-, which is certainly on the lower side. This Court is inclined to fix the notional monthly income at Rs.18,000/-. Accordingly, the compensation under the head of loss of dependency is calculated as follows:

$$\text{Rs.18,000/-} + \text{Rs.4,500/- (25\%)} = \text{Rs.22,500/-} \times 12 \times 13 \times \frac{1}{4} = \text{Rs.26,32,500/-}$$

11. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

12. In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency	26,32,500
Loss of Estate	16,500
Loss of Consortium	1,76,000
Funeral Expenses	16,500
Total	28,41,500



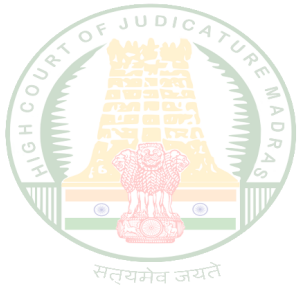
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13.The compensation awarded by the tribunal at Rs.21,10,328/- is enhanced to Rs.28,41,500/-. The second respondent/insurance company is directed to deposit the enhanced compensation of Rs.28,41,500/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.7,31,172/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 119 days as was ordered by this Court in C.M.P.No.27002 of 2023, dated 16.02.2024. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

14.In the result, this Civil Miscellaneous Appeal is partly allowed of in the above terms. No Costs.

15.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal No.1, Tiruvallur.

CMA No.674 of 2024

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