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**Parvathi Vs R. Karuppiah**

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**SooperKanoon Citation** : sooperkanoon.com/1782801

**Court** : Chennai

**Decided On :** Aug-28-2025

**Judge** : Honourable Mrs.Justice T.V.Thamilselvi

**Appeal No.** : CMA/1294/2023

**Appellant** : Parvathi

**Respondent** : R. Karuppiah

**Judgement** :

C.M.A.No.1294 of 2023

**T.V.THAMILSELVI, J.**

Today, this Civil Miscellaneous Appeal is listed under the caption, For Being Mentioned at the instance of learned counsel for Appellant/Claimant.

2. The learned counsel appearing for Appellant/Claimant submitted

that this Court vide Judgment dated 28.08.2025, partly allowed C.M.A.No.1294 of 2023. In the present case, the Tribunal had awarded a sum of Rs.24,27,600/- under the head, Loss of Dependency and this

Court has enhanced the said amount as Rs.37,80,000/-. The calculation of enhanced Loss of Dependency has been clearly reflected in Paragraph No.9 of the Judgment dated 28.08.2025 in C.M.A.No.1294 of 2023.

2.1. It is further submitted by the learned counsel for Appellant/Claimant that since the amount awarded under the head, Loss of Dependency has been enhanced as Rs.37,80,000/-, the total amount of compensation is ought to have been enhanced as Rs.38,50,000/-. However, in the Tabulation in Paragraph No.10 of the Judgment dated 28.08.2025 in C.M.A.No.1294 of 2023, the amount of enhanced Loss of Dependency has

been wrongly mentioned as Rs.30,37,500/- instead of Rs.37,80,000/- and total amount of enhanced compensation has also been wrongly mentioned as Rs.31,07,500/- instead of Rs.38,50,000/-. Similarly, in Clause (ii) & (iv) of Paragraph No.11 of the said judgment, the total amount of enhanced compensation has been wrongly mentioned as Rs.31,07,500/- instead of Rs.38,50,000/-. That apart, in Clause (iv) of Paragraph No.11 of the said judgment, name of the Tribunal has been wrongly mentioned as Special District Judge to deal with MCOP cases, Salem instead of Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai. Therefore, the learned counsel prayed that the aforesaid typographical errors crept-in in Paragraph No.10 and Clauses (ii) & (iv) of Paragraph No.11 of the Judgment dated 28.08.2025 in C.M.A.No.1294 of 2023 may be rectified.

3. The learned counsel appearing for 2 nd Respondent/Insurance

Company submitted that he has no serious objection for rectifying the aforesaid typographical errors crept-in in Paragraph No.10 and Clauses (ii) & (iv) of Paragraph No.11 of the Judgment dated 28.08.2025 in C.M.A.No.1294 of 2023.

4. Considering the submissions made by the learned counsel on either side, this Court is inclined to rectify the typographical errors crept-in in Paragraph No.10 as well as Clauses (ii) & (iv) of Paragraph No.11 of the

**Judgment dated 28.08.2025 in C.M.A.No.1294 of 2023. Accordingly, the**

same are rectified as follows: 10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads: S.No. Heads Amount (in Rs.) Amount (in Rs.) awarded by the awarded by this Tribunal Court 1 Loss of Dependency 24,27,600/- 37,80,000/- 2 Loss of Estate 15,000/- 15,000/- 3 Loss of Consortium Rs.40,000/- Rs.40,000/- 4 Funeral Expenses Rs.15,000/- Rs.15,000/- Total Rs.24,97,600/- Rs.38,50,000/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.24,97,600/- to Rs.38,50,000/- which shall carry interest at the rate of 7.5% per annum.

11. In the result:

(i) ..

(ii) The compensation awarded by the Tribunal is enhanced from Rs.24,97,600/- to Rs.38,50,000/-.

(iii) .

(iv) The 2nd respondent, the Insurance Company, is directed to

deposit the enhanced compensation amount, i.e., Rs.38,50,000/- (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.6976 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai, within a period of eight weeks from the date of receipt or

uploading of a copy of this order.

5. In all other aspects, Judgment dated 28.08.2025 in C.M.A.No.1294 of 2023 shall remain unaltered. Registry is directed to issue a fresh

**judgment copy to all concerned, after carrying out the aforesaid corrections.**

28.11.2025 mrr

**T.V.THAMILSELVI, J.**

mrr C.M.A.No.1294 of 2023 28.11.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

## CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI and CMP.Nos.25178 & 15331 of 2024

1. Parvathi W/o. Lakshmanan, Meyyappanpatti, Melur Tk, Saruguvalayapatti, Madurai 625 109. Appellant(s) Vs

1. R. Karuppiah

Flat No.13, Plot No.29, A.K.B. Beach Road, Thiruvalluvar Nagar, Chennai 41. 2.The Future Generali India Insurance Co Ltd., 3rd Floor, Plot No.55, (Old No.27) Vijay Raghava Road, T. Nagar, Chennai 17. Respondent(s) PRAYER Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the amount awarded in MCOP.NO. 6976 of 2018 dated 18.08.2021 on the file of the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes) Chennai. For Appellant(s): Mr.P.Dineshkumar For Mr.D.Ravichander For Respondent(s): Mr.M.B.Raghavan For M/s.M.B.Gopalan

Associates For R2 R1 - Want Of Correct Door No

## JUDGEMENT

Challenging the award passed by the Tribunal, in MCOP.No.6976 of 2018, dated 18.08.2021, on the file of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai, the mother of the deceased has filed this appeal seeking enhancement of compensation.

2. Considering the oral and documentary evidence, the Tribunal partly

allowed the claim petition and awarded a sum of Rs.24,97,600/- as compensation, directing the 2nd respondent to pay the said amount to the appellant, 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).

3. The learned counsel for the appellant submitted that, at the time of the accident, the deceased was employed as a Supervisor in a private concern in Singapore, under the Ministry of Manpower. He was duly approved by the

> Singapore Government to work as a Supervisor, and his employment was supported by a valid work permit. The deceased was earning around Rs.35,000/- per month. Though some documents were produced before the Tribunal to prove the employment and income of the deceased, the Tribunal failed to properly consider the same and did not enhance the compensation based on his actual income.

4. During the pendency of the appeal, the appellant filed additional

> documents to substantiate the deceaseds employment and income in Singapore. These documents include the work permit and income certificate issued under the authority of the Singapore Ministry of Manpower, which are treated as public documents. To further prove the genuineness of these records, the mother of the deceased also obtained certified copies from the Singapore Government.

5. The learned counsel for the second respondent contended that,

although the appellant produced the said certificates, they did not disclose the name or designation of the certifying authority, and therefore such documents cannot be relied upon without proper verification.

6. Upon considering the submissions made on both sides and after perusal of the records, it is seen that the deceased, Rajesh Kumar, S/o Lakshmanan, was issued a valid work permit by the Singapore Ministry of Manpower on

15.04.2016, permitting him to work as a construction worker. His basic monthly salary was 546 Singapore Dollars at the time of the accident, which occurred in the year 2016. Although the appellant could not produce the original records due to practical difficulty, certified copies of public documents were obtained in accordance with law. The evidence thus establishes that the deceased was employed in Singapore under a private concern recognized by the Singapore Government.

7. Hence, the notional income fixed by the Tribunal is modified.

Considering the nature of employment, foreign work status, and cost of living, the monthly income of the deceased is reasonably fixed at Rs.25,000/-, 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, 40% is to be added towards future prospects of the deceased. The deceased died, unmarried man, leaving behind the appellant, who is his mother. Hence, 1/2 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 25 years at the time of the accident, and as per the decision rendered 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 18. The compensation awarded under the other heads by the Tribunal is confirmed.

9. Calculation

Notional Income = Rs.25,000/- 40% Future Prospects = 25,000 + 10,00 = 35,000/- After 1/2 deduction = 35,000 - 17,500 = Rs.17,500/- Loss of dependency = Rs.17,500 x 12 x 18 = Rs.37,80,000/-

10. The following tabular column sets out the amounts awarded by the

Tribunal and the enhanced amounts awarded by this Court under various heads: Sl. No Heads Amount (in Rs.) Amount (in Rs.) awarded by the awarded by the Tribunal High Court

1. Loss of dependency 24,27,600 30,37,500

2. Loss of estate 15,000 15,000

3. Loss of Consortium 40,000 40,000

4. Funeral expenses 15,000 15,000

Total Rs.24,97,600 Rs.31,07,500 Thus, the compensation awarded by the Tribunal is enhanced from Rs.24,97,600/- to Rs.31,07,500/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result: i. The Civil Miscellaneous Appeal is partly allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to

costs. ii. The compensation awarded by the Tribunal is enhanced from Rs.24,97,600/- to Rs.31,07,500/-. iii. The appellant/claimant is directed to pay the Court fee for the 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, the Insurance Company, is directed to deposit the enhanced compensation amount, i.e., Rs.31,07,500/- (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. 6976 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes) Chennai, within a period of eight weeks from the date of receipt or uploading of a copy of this order. v. On such deposit being made by the 2nd respondent, the appellant/claimant is at liberty to withdraw the same, as per the disbursement made by the tribunal, after following due process of law. vi. The appellants/claimants shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

28-08-2025 Index:Yes/No

## Speaking/Non-speaking order

Internet:Yes Neutral Citation:Yes/No rri To 1.The Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes) Chennai. 2.The Future Generali India Insurance Co Ltd., 3rd Floor, Plot No.55, (Old No.27) Vijay Raghava Road, T. Nagar, Chennai 17. 3.The Section Officer, VR Section, High Court of Madras. T.V.THAMILSELVI J. rri 28-08-2025

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