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CMA No. 2542 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2542 of 2025

AND

CMP NO. 21522 OF 2025,CMP NO. 30429 OF 2025

The Manager,
M/s.Reliance General Insurance Company
Limited, Havetree Unit II, 3rd Floor, Spur Tank
Road, Chetpet, Chennai.

..Appellant(s)

Vs

1. Venkateswara Rao,
S/o.Venkata Rao,
Padma Sri (Since Deceased),
W/o.Venkateswara Rao,
Residing at Plot No.52, Door No.F3, Royal
Image, EVP Park Avenue, Iyappanthangal,
Poonamallee, Chennai -56.
2. Y.Daisy,
W/o.Yesudoss, Michael Street, Molachur
Village, Sriperumbudur Taluk, Kancheepuram
District.
3. R.L.Yesudoss,
S/o.Loues, No.1-48, Molachur Village,
Sriperumbudur Taluk, Kancheepuram District
-602 105.
4. The Manager,
Royal Sundaram Alliance Insurance Company
Limited, Sorrento Buildings, No.6, 1st Floor,
L.B.Road, Adayar, Chennai -600 020.

..Respondent(s)



Prayer: To prefer this Memorandum of Civil Miscellaneous Appeal before this Honourable Court against the Judgment and Decree dated 31.01.2024 made in MCOP.No.3327 of 2014 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant(s): Mrs.R.Sreee Vidhya

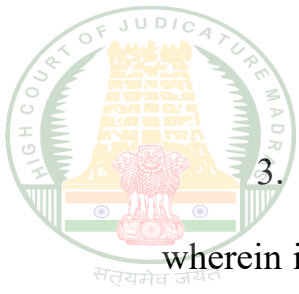
For Respondent(s): Mr.K.Babu for R1

Judgment

(Judgment of the Court was delivered by M.Jothiraman J.)

Unsuccessful Insurance Company has preferred this appeal against the award dated 3.01.2024 passed in MCOP.No.3327 of 2014 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

2. According to the respondents / claimants on 18.09.2014, at about 3.40 hours, when the deceased was driving a car bearing Reg.No.TN 12 9330 Swift Dzire Car at Tambaram to Puzhal By-Pass Road and came opposite to Ambattur Telephone Exchange, Chennai, at that time, 2 Tipper Lorries Bearing Reg.No.TN 21 AF 7558 and TN 21 D 5107 had parked wrongly in the by-pass road, in the negligent manner. Due to that, the deceased car hit the lorry. As a result of which, the deceased sustained severe head and multiple injuries all over the body and died on the spot. The above said lorries are responsible to the accident.



3. The appellant / 2nd respondent therein has filed a counter affidavit wherein it has been stated that they denied the alleged manner of accident. The lorry bearing Reg.No.TN21 AF 7558 was parked on the side of the road and goods were transferred from another lorry and there was sufficient light and park lamp glowing at the time of accident. There was sufficient light and park lamp glowing at the time of accident. There was sufficient space available for more than three lorries / bus pass freely, but the driver of the car / deceased drove the vehicle in a rash and negligent manner and hit against the parked lorry. Since the deceased is the tortfeasor, claim is not maintainable and liable to be dismissed. The second respondent Insurance Company has also denied the validity of vehicle records, driving licence of the insurance coverage at the time of accident.

4. The 4th respondent therein / 4th respondent herein has filed a counter affidavit, wherein it has been stated that the manner of accident detailed in the petition is not correct. The claimants has not stated the material facts with a view to shift the liability upon the 2nd respondent herein with an intention to claim an unreasonably high amount of Rs.1,50,00,000/- as compensation, for which the claimants are not entitled. The deceased person, after a days work, had drove the vehicle in the early hours without rest and sleepy and because of the same, the accident had occurred and the deceased ought to have taken rest in the hospital for some time. He was completely exhausted at the time of driving

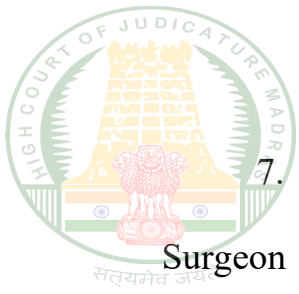


and he was solely responsible for the accident and not the 4th respondent.

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5. On behalf of the claimants, the father of the deceased /1st claimant Mr.Venkateswara Rao was examined as PW1, Mr.Rajendiran, eye-witness was examined as PW2, Mr.Sampath was examined as PW3 and Exs.P1 to P7 were marked. On the side of the 4th respondent, Mr.Sankar was examined as RW1, Mr.Prabhakaran was examined as RW2, Mr.Ganesh was examined as RW3 and Exs.R1 to R6 were marked.

6. Upon appreciation of evidence adduced on either side, the Tribunal found that PW2, who is an eye-witness to the occurrence, had clearly spoken about the way and manner in which the accident took place. As per the FIR under Ex.P1, the lorry bearing Reg.No.TN 21 AF 7558 was parked wrongly without any parking light and signal, but as per the Final Report under Ex.P15, the lorry bearing Reg.No.TN 21 AD 5107 was parked wrongly without any parking light and signal and therefore, the Tribunal has found that the accident had occurred only due to the rash and negligence on the part of the drivers of the 1st and 3rd respondent lorries and the 2nd respondent therein is liable to pay 50% of the compensation amount and the 4th respondent is liable to pay 50% of the compensation amount.



7. It is not in dispute that the deceased was working as MBBS House Surgeon in M/s.SRMC Medical Collage and Hospital, Porur, Chennai and earning a sum of Rs.30,000/- per month. The claimants has produced Internship Certificate under Ex.P4. Since the age of the deceased was 24 years at the time of accident, applying the Multiplier “18”, The Tribunal had awarded compensation under the following heads:

Loss of Dependency	Rs.37,80,000
Loss of Consortium	Rs. 48,000
Loss of Estate	Rs. 18,000
Funeral Expenses	Rs. 18,000

	Rs.38,64,000

Being aggrieved over the quantum of compensation, the second respondent therein has preferred the present appeal.

8. The learned counsel for the appellant would submit that the Tribunal has erred in holding that the lorry bearing Reg.No.TN 21-AF-7558 insured with the appellant is responsible ignoring the overall evidence which pointed out that the deceased driving the car bearing Reg.No.TN 12 9330, dashed the rear side of the appellant lorry bearing Reg.No.TN 21 AF 7558 and TN 21 AD 510 insured with the appellant has caused the accident. The Tribunal has erred in taking income of the deceased at Rs.25,000/- per month on notional basis, when there is no proof of occupation or income of the deceased. The Tribunal erred

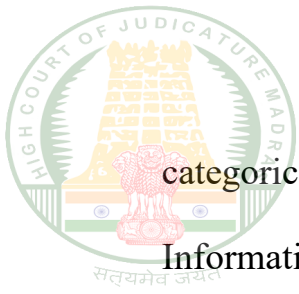


in granting 40% towards future prospects and interest for the said amount and therefore, the Tribunal has erroneously awarded higher compensation and it is not in consonance with the evidence.

9. *Per contra*, learned counsel appearing for the 1st respondent would submit that the negligent parking of the lorries were established through the evidence of eye witness / PW2. The deceased was a Doctor by profession, working as House Surgeon and earning a sum of Rs.30,000/- per month and the same is evident under Ex.P4 – Internship Certificate of the deceased. The Tribunal has rightly fixed the income of Rs.25,000/- and applied the Multiplier “18” since the age of the deceased at the time of the accident was 24 years and in the light of the ratio laid down by the Hon’ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation [2009 (2) TNMAC 1]*** and ***National Insurance Company Limited v. Pranay Sethi and Others [2017 (2) TANMAC 609 (SC)]***, applied the Multiple and Future Prospects and there is no infirmity in the award passed by the Tribunal.

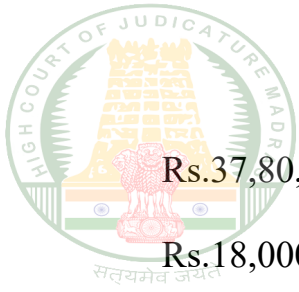
10. We have considered the submissions made and also perused the materials available on record.

11. There is no serious dispute with regard to the manner of accident occurred in this case. PW2, who is the eye witness to the occurrence,



categorically deposited about the manner of the accident. As per Ex.P1-First Information Report, the Final Report under Ex.P15 as well as the eye witness to the accident PW2 clearly reveals the negligence on the part of the driver of the lorry. Ex.P6 – Death Certificate would clearly reveal that the deceased appears to have died due to shock and haemorrhage due to the injuries sustained. The accident had occurred due to the rash and negligent parking of the vehicles by the drivers of the 1st and 3rd respondent lorries. According to the claimants, the age of the deceased was 24 years at the time of accident. As per Ex.P9/Driving Licence, the date of birth of the deceased was shown as 30.03.1990 and the same was corroborated as per Ex.P2-Postmortem Certificate and Death Certificate – Ex.P6, which shows the age of the deceased as 24 years. As per Ex.P4 - Internship Certificate, the deceased was working as MBBS House Surgeon as SRMC Hospital, Porur Chennai and earning a sum of Rs.30,000/- per month.

12. Considering the fact that the deceased was working as MBBS House Surgeon as per Ex.P4, the Tribunal fixed the Notional Income of the deceased at Rs.25,000/- per month and by applying the ratio laid down in ***Pranay Sethi case (cited supra)***, 40% added towards Future Prospects and arrived Rs.35,000/- per month and deducted 50% since the deceased was unmarried and by applying the Multiplier “18” as per ***Sarla Verma v. Delhi Transport Corporation [2009 (2) TNMAC 1]***, calculated the Loss of Dependency of the deceased at



Rs.37,80,000/-, Rs.48,000 towards Loss of Consortium and awarded Rs.18,000/- each towards Loss of Estate and Funeral Expenses. We are of the view that there is no infirmity in the award and it does not warranting interference with the quantum of compensation arrived by the Tribunal.

13. Accordingly, this Civil Miscellaneous Appeal stands dismissed, confirming the award dated 31.01.2024 passed in MCOP.No.3327 of 2014 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai. No costs. Consequently, connected miscellaneous petitions are also dismissed.

(N.S.K.,J.) (M.J.R.,J.)
22-07-2026

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

Jvm

To
Motor Accident Claims Tribunal /
II Court of Small Causes, Chennai.



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AND
M.JOTHIRAMAN J.**

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