



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA.Nos.507, 574 & 578 of 2026
and CMP Nos.6005, 6647 & 6659 of 2026

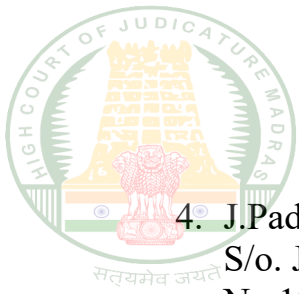
CMA No. 507 of 2026:

The Oriental Insurance Company Limited,
Oriental House, II Floor, New No 116,
Prakasam Salai, Broadway,
Chennai 600 108

..Appellant(s)

Vs

1. Sri Ranjani Muralidharan
W/o. K.Muralidharan,
No.206, Block D3, Puthur Road,
SSM Nagar, Alapakkam,
Perungulathur, Chennai 63.
2. M.Sricharan (Minor)
S/o. K.Muralidharan,
represented by mother and natural friend first
respondent herein,
No.206, Block D3, Puthur Road,
SSM Nagar, Alapakkam,
Perungulathur, Chennai 63.
3. M.Srinidhi (Minor)
D/o. K.Muralidharan,
represented by mother and natural friend first
respondent herein,
No.206, Block D3, Puthur Road,
SSM Nagar, Alapakkam,
Perungulathur, Chennai 63.



4. J.Padma Sekhar
S/o. Jotheshwaran,
No.178, B Sector, VG Rao Nagar,
Katpadi, North Arcot, Vellore 007.

..Respondent(s)

CMA No. 574 of 2026:

The Oriental Insurance Co Ltd
Oriental House II Floor
New No.116 Prakasam Salai, Broadway, Chennai
600 108

..Appellant(s)

Vs

1. Radha Kannan
W/o.K.S.Kannan,
Block D3, Flat No.202, SSM Nagar,
Thiruppur Kumaran Street, Perungakalathur,
Alapakkam, Chennai – 600 063.

2.Sri Ranjani Muralidharan
W/o. K.Muralidharan
No.206, Block D3, Puthur Road
SSM Nagar, Alapakkam
Perungulathur, Chennai 63

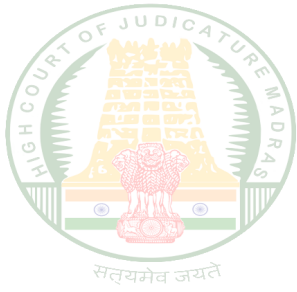
3.J.Padma Sekhar
S/o. Jotheshwaran
No. 178, B-Sector
VG Rao Nagar, Katpadi
North Arcot, Vellore 632 007

..Respondent(s)

CMA No. 578 of 2026:

The Oriental Insurance Co Ltd
Oriental House II Floor
New No.116 Prakasam Salai, Broadway, Chennai
600 108

..Appellant(s)



Vs

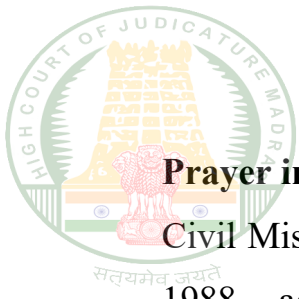
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1. Parthasarathy Krishnan
2. Sri Ranjani Muralidharan
W/o. K.Muralidharan
No 206, Block D3, Puthur Road
SSM Nagar, Alapakkam
Perungulathur, Chennai 63
3. M.Sricharan (Minor)
S/o. K.Muralidharan
No 206, Block D3, Puthur Road
SSM Nagar, Alapakkam
Perungulathur, Chennai 63
represented by Mother and natural friend
second respondent
4. M.Srinidhi (Minor)
D/o. K.Muralidharan
No 206, Block D3, Puthur Road
SSM Nagar, Alapakkam
Perungulathur, Chennai 63
represented by Mother and natural friend
second respondent
5. J.Padma Sekhar
S/o. Jotheswaran
No. 178, B-Sector
VG Rao Nagar, Katpadi
North Arcot, Vellore 632 007

..Respondent(s)

Prayer in CMA No.507 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 22.08.2025 passed in M.C.O.P.No.5661 of 2019 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

**Prayer in CMA No.574 of 2026:**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 22.08.2025 passed in M.C.O.P.No.5662 of 2019 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

Prayer in CMA No.578 of 2026:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 22.08.2025 passed in M.C.O.P.No.5755 of 2019 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

CMA No.507 of 2026:

For Appellant(s):	Mr.M.B.Raghavan for M/s.M.B.Gopalan Associates
For RR 1 to 3:	Mr.M.Arun Kumar For M/S.Sampathkumar & Associates
For R4:	No appearance

CMA No.574 of 2026:

For Appellant(s):	Mr.M.B.Raghavan for M/s.M.B.Gopalan Associates
For RR 1 & 2:	Mr.M.Arun Kumar For M/S.Sampathkumar & Associates
For R3:	No appearance

CMA No.578 of 2026:

For Appellant(s):	Mr.M.B.Raghavan for M/s.M.B.Gopalan Associates
For RR 1 to 4:	Mr.M.Arun Kumar For M/S.Sampathkumar & Associates
For R5:	No appearance



COMMON JUDGMENT
(delivered by N.Sathish Kumar J.)

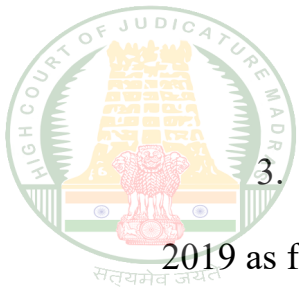
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Challenging the award dated 22.08.2025 passed in M.C.O.P.Nos.5661, 5662 & 5755 of 2019 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai (for short “the Tribunal”), the appellant has filed C.M.A.Nos.507, 574 & 578 of 2026, respectively.

2. The Tribunal has awarded compensation in M.C.O.P.No.5661 of 2019 as follows:

S.No.	Heads of compensation	Amount awarded (in Rs.)
1	Loss of income/dependency	1,92,65,740
2	Loss of estate	15,000
3	Los of consortium	1,20,000
4	Funeral Expenses	15,000
5	Transportation Charges	10,000
Total		1,94,25,740

While awarding compensation, the Tribunal has fixed the annual income of the deceased at Rs.18,00,325/- and considering his age as 38 years, added 40% future prospects and after deduction of income tax and professional tax, fixed the annual income at Rs.19,26,574/- and by applying multiplier 15 awarded Rs.1,92,65,740/- towards loss of income/dependency.



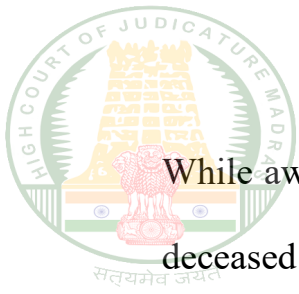
3. The Tribunal has awarded compensation in M.C.O.P.No.5662 of 2019 as follows:

S.No.	Heads of compensation	Amount awarded (in Rs.)
1	Loss of income/dependency	11,89,600
2	Loss of estate	15,000
3	Los of consortium	80,000
4	Funeral Expenses	15,000
5	Transportation Charges	10,000
Total		13,09,600

While awarding compensation, the Tribunal has fixed the annual income of the deceased at Rs.3,60,000/- considering his age as 68 years and after deduction of income tax, fixed the annual income at Rs.3,56,880/- and by applying multiplier 5, awarded Rs.11,89,600/- towards loss of income/dependency.

4. The Tribunal has awarded compensation in M.C.O.P.No.5755 of 2019 as follows:

S.No.	Heads of compensation	Amount awarded (in Rs.)
1	Loss of income/dependency	4,50,000
2	Loss of estate	15,000
3	Los of consortium	40,000
4	Funeral Expenses	15,000
5	Transportation Charges	10,000
Total		9,72,774



While awarding compensation, the Tribunal has fixed the annual income of the deceased at Rs.1,80,000/- considering his age as 69 years and by applying multiplier 5 awarded Rs.4,50,000/- towards loss of income/dependency.

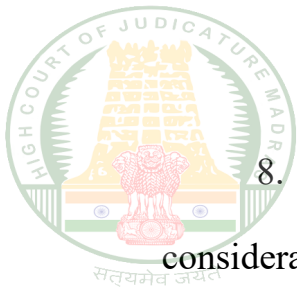
5. Since all the deceased travelled in the same car and succumbed to the injuries, though different claim petitions were filed, the Tribunal disposed of all the three claim petitions in a common award. As against the common award dated 22.08.2025 passed in M.C.O.P.Nos.5661, 5662 & 5755 of 2019, the appellant/insurance company has filed C.M.A.Nos.507, 574 & 578 of 2026, respectively, on the ground that the Tribunal has not considered the contributory negligence on the part of the driver of the car.

6. According to the learned counsel appearing for the appellant/insurance company in C.M.A.No.507 of 2026, M.C.O.P.Nos.5661 of 2019 was filed for the death of the driver of the car bearing Registration No.TN 11 AK 0103. According to him, since the driver of the car himself was negligent and was driving the car in a rash and negligent manner, some portion ought to have been deducted by the Tribunal towards contributory negligence. He would point out that the very First Information Report (FIR) was lodged by one of the passengers of the car, who is none other than the father of the driver of the car. Though the father of the car driver died after two months, his statement relating to cause of the accident is certainly admissible in evidence and his statement



relating to the cause of his death has been clearly captured in the FIR, which was given by him when he was alive. Therefore, the Tribunal ought to have considered the same. That apart, he also placed reliance on the judgment of the Apex Court in ***Oriental Insurance Company Limited Vs. Premalata Shukla and Others*** reported in (2007) 3 SCC 476 to buttress his arguments to the effect that where parts of a document have been relied on by both the parties, the Tribunal ought to have relied upon the FIR irrespective of whether the contents of the document have been proved or not. As far as contributory negligence is concerned, the same can be fastened only against the driver of the car and not against the other co-passengers, who succumbed to the injuries. Hence, he would submit that the quantum fixed by the Tribunal in M.C.O.P.Nos.5661 of 2019 has not been properly fixed.

7. *Per contra*, the learned counsel appearing for the respondents would submit that the evidence of the eyewitness clearly proves that the lorry was parked on the highway in the pitch dark, which resulted in the accident. Therefore, the entire negligence has to be fixed on the lorry driver. He would further submit that as far as the quantum fixed by the Tribunal in all the three claim petitions is concerned, the Tribunal, based on the statements of the income tax and annual reports and after deduction of tax, has fixed the income, which does not require any interference.



8. In light of the above submissions, the points now arises for consideration in this appeal are as follows:

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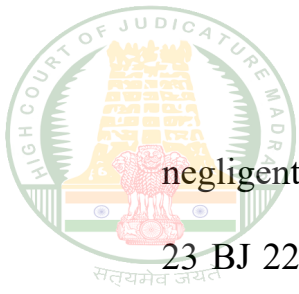
- i. *Whether there was negligence on the driver of the car bearing Registration No.TN 11 AK 0103?*
- ii. *Whether the quantum fixed by the Tribunal in all three claim petitions is fair and reasonable?*

9. We heard the learned counsel on either side and perused the entire records.

10. The undisputed facts of this case are as follows:

- (a) The accident took place on 11.06.2019 at 1.30 a.m. on Perambalur four way road.
- (b) All the three deceased in the claim petitions were travelling in a car bearing Registration No.TN 11 AK 0103.
- (c) The car was driven by one Muralidharan, who died on the spot, for which, M.C.O.P.No.5661 of 2019 has been filed by the legal representatives.

11. The contention of the claimants before the Tribunal is that the lorry was parked on the highway in pitch dark, which could not be noticed by the driver and as a result, the car proceeding in the highway dashed the lorry from behind. Hence, according to the claimants the entire accident was due to the



negligent act of the offending vehicle *viz.* the lorry bearing Registration No.TN

23 BJ 2234. Whereas, the stand of the appellant/insurance company is that the

lorry was not parked on the road, but, it was proceeding in the highway and one of the deceased Muralidharan drew the car in a rash and negligent manner and dashed against the lorry proceeding in front of the car, which resulted in the accident. In this regard, though the claimants have examined PWs.1 to 3, PW3, who is the eyewitness and one of the occupants of the car, in her chief-examination, stated that the lorry was parked on the highway and as a result, the driver of the car could not notice the lorry, which resulted in the accident. Though the appellant/insurance company examined RW1 and filed final report (Ex.R3), the fact remains that he is not an eyewitness to the accident. Though PW3 stated to be an eyewitness, she stated in her evidence that the car hit against the parked lorry. The fact remains that as far as the accident is concerned, the earliest FIR was given only by another occupant, who is none other than the father of the driver of the car.

12. The copy of the FIR (Ex.P3), when carefully perused, which was registered based on the statement given by Krishnan/father of the deceased driver of the car, wherein, he has clearly stated that the lorry was proceeding on the highway and the car was driven by his son in a rash and negligent manner, as a result of which, the car dashed against the lorry proceeding in the front. It is also the admitted fact that the first informant Krishnan has also later succumbed



to the injuries. Therefore, we are of the view that though in normal circumstances, the factual aspect found in the FIR will not be taken as a proved one, unless, the same is proved before the Court, but, in the given case, the informant has given a statement relating to his cause of his death. The informant narrated the circumstances of the transactions, which resulted in his death. He has narrated the manner in which the accident took place, which resulted his death later. Therefore, such statement is certainly can be relied upon. Further, the claimants have also relied upon the FIR to prove that there was an accident. When both the parties relied on the FIR, the Tribunal ought to have at least considered the FIR to assess the nature as to how the accident took place.

13. In *Premalata Shukla* (*supra*), the Apex Court has held that where parts of a document have been relied on by both the parties, there is no bar for the Tribunal to rely on the same irrespective of whether the contents of the document have been proved or not.

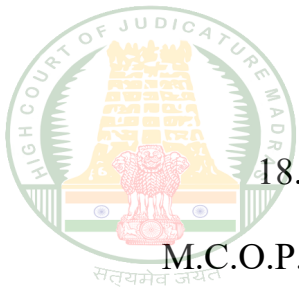
14. Considering the same, we are of the view that merely because PW3 has stated that the car hit against the parked vehicle, the same cannot be taken as the gospel truth. Therefore, PW3 is also highly interested and she also suffered injuries and she has also filed a claim petition, which appears to be pending before the Tribunal.



15. Considering the vital piece of evidence, viz. statement given by the deceased Krishnan establish the circumstances of transactions, which resulted in his death, we are of the view that the contention of the claimants that the lorry was parked in the middle of the highway cannot be countenanced. In fact, the lorry was proceeding and the driver of the car, who drew the car in a high speed hit the lorry from behind. In such view of the matter, there must be some contributory negligence has to be fixed on the driver of the car. The final report filed by the Investigating Officer also shows that the car has hit the lorry proceeding in front of the car.

16. Considering these facts, we are of the view that the driver of the car is also contributed for the negligence. If the driver of the car maintained sufficient distance on highway, he would have avoided the accident. Therefore, in order to arrive the balance between the rights of the claimants and insurance company, we are inclined to fix 20% of the contributory negligence on the driver of the car bearing Registration No.TN 11 AK 0103, which is the subject matter of M.C.O.P.No.5661 of 2019.

17. As far as the other passengers in the car and their claim petition is concerned, we are of the view that there cannot be negligence or deduction to be made for a simple reason that they are no way responsible for the negligent act of the driver of the car. Accordingly, this point is answered.



18. As far as the quantum fixed by the Tribunal is concerned in M.C.O.P.Nos.5662 of 2019 and 5755 of 2019, considering the age of the deceased and the income tax, the Tribunal has awarded only Rs.15,000/- as notional income and after necessary deduction awarded compensation, which is in our view is reasonable.

19. As far as the deceased driver of the car is concerned, the Tribunal fixing the income is reasonable. The tribunal has taken note of the income tax and after applying the income tax deductions, fixed the annual income at Rs.19,26,574/- and considering the age as 38 years has applied multiplier 15 and awarded the total compensation of Rs.1,94,25,740/-. The calculation arrived at by the Tribunal does not suffer from any infirmity in fixing the monthly income and awarding compensation. However, as we have already held that the deceased has also contributed for negligence some amount has to be deducted towards his contributory negligence. Accordingly, we hold that 20% of the total compensation awarded by the Tribunal shall be deducted and thereby, Rs.1,55,40,600/- alone shall be payable to the claimants.

20. In the result,

- i. C.M.A.No.507 of 2026 is partly allowed and the award passed by the Tribunal for an amount of Rs.1,94,25,740/- is reduced to Rs.1,55,40,600/-. The appellant/insurance company is directed to deposit



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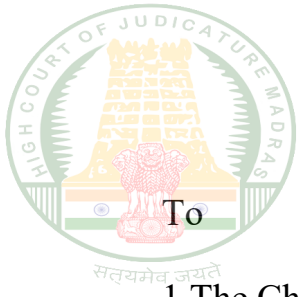
the sum of Rs.1,55,40,600/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till

the date of deposit, within a period of four weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.5661 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

- ii. C.M.A.Nos.574 & 578 of 2026 are dismissed by confirming the judgment and decree dated 22.08.2025 passed in M.C.O.P.No.5662 of 2019 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai. The appellant/insurance company shall deposit the compensation amount awarded, as confirmed by this Court, before the Tribunal, within a period of four weeks from the date of receipt of a copy of this order.
- iii. On such deposit being made, the claimants are at liberty to withdraw the amount, as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.
- iv. There shall no order as to costs. Connected C.M.Ps. are closed.

(N.S.K.,J.) (M.J.R.,J.)
20-07-2026

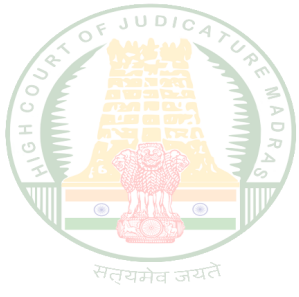
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
nsd



To

1. The Chief Judge, Small Causes Court,
Motor Accidents Claims Tribunal, Chennai.

2. The Section Officer,
V.R. Section, Madras High Court.



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CMA No. 507 of 2



**N.SATHISH KUMAR J.
AND
M.JOTHIRAMAN J.**

nsd

CMA.Nos.507, 574 & 578 of 2026

20-07-2026