



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

CMA No. 241 of 2026 and CMP.No.2945 of 2026

The Reliance General Insurance Co.Ltd
Rep. by Assistant Vice President (Legal),
Policy Servicing Branch, 2nd Floor, No.43-B,
Sri Abhirami Tower, Cowly Brown Road,
R.S.Puram, Coimbatore.

Appellant(s)

Vs

1. M.Rathinasamy
2.Minor R.Adithya
Rep by its Natural Guardian
Father and Next Friend M.Rathinasamy

3.R.Perumalsamy
4.Mallika
5.P.Suresh
6.S.Sivakumar

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the judgment and decree award dated 31.10.2025 in MCOP No.401 of 2025 (Old MCOP No.751 of 2022) on the file of the learned Special District Court No.I to deal with MCOP Cases, Coimbatore (Special District Judge, III ADJC, Coimbatore).

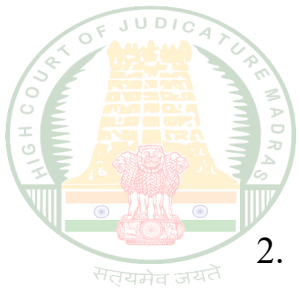
For Appellant(s): Mr.R.Sunilkumar

For Respondent(s): Ms.C.Abirami Dharanya for R1 to R4
No appearance for R5 & R6

JUDGMENT

(Judgment made by N.Sathish Kumar J.)

Challenging the award passed by the Tribunal in MCOP.No.401 of 2025 (Old MCOP.No.751 of 2022) dated 31.10.2025, the instant appeal has been filed by the Insurance Company.



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2. The main grounds urged by the Insurance Company is that the deceased suddenly crossed the Highways from the Village Road in her scooter, therefore, negligent is also there on her part, hence, the Tribunal ought to have imposed contributory negligence. Further to prove that the deceased was a typist, no documents whatsoever was filed, therefore, the Tribunal fixing monthly income at Rs.20,000/- is not fair. On these two grounds, the Award of the Tribunal is sought to be interfered.

3. Brief facts in filing the appeal is as follows:-

3.a. The deceased aged about 40 years as on 24.11.2021, at about 08.50 a.m, was riding her TVS Scooty Pep Plus bearing Regn.No.TN 99 L 6203, proceeding from south to north and while turning her eastern side at Kumarapalayam Pirivu , Palathurai to Pachapalayam Road, the Ashok Leyland Tipper Lorry bearing registration No.TN 37 BS 5169, driven by the 1st respondent which was also coming from west to east in a rash and negligent manner dashed against the two-wheeler and as a result, the deceased fell down under the wheels of the Tipper Lorry on its right back side and was dragged for nearly 10 feet and died on the spot. The claimants being the husband, son and parents of the deceased have filed the claim petition claiming compensation.

3.b. The third respondent Insurance Company admitting the accident, however, disputed the negligence of the driver. According to them, the driver of



the offending lorry was holding the driving license, the deceased was not wearing the helmet and the income of the deceased is also disputed. The

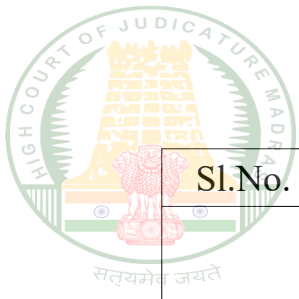
Tribunal framed the following points for consideration:-

1. Whether the accident was caused due to the rash and negligent driving of the offending vehicle, resulting in the death of the deceased in the manner as alleged in the petition?
2. Whether the claim petitioners are entitled for compensation?
3. What is the quantum of compensation and who are all respondents liable to pay the compensation?

3.c. Before the Tribunal, on the side of the claimants, PW1 to PW3 were examined and Exs.P1 to P17 were marked. On the side of the respondents, no oral and documentary evidences were adduced.

3.d. Based on the material and evidences, the Trial Court awarded the compensation as follows:-

Sl.No.	Heads	Calculation
1	Monthly income + Future prospects @ 25%	Rs. 25,000/-
2	After deduction of 25% for her personal expenses from monthly income.	Rs.18,750/-
3	Annual contribution to family.	Rs. 2,25,000/-
4	Loss of income after applying multiplier 15	Rs.33,75,000/-
5	For loss of Estate (after adding one revision)	Rs.16,500/-
6	Funeral Expenses (after adding one revision)	Rs.16,500/-
7	For loss of consortium Filial consortium to the petitioners Rs.40,000/ + Rs.4,000/-	Rs. 1,76,000/-



Sl.No.	Heads	Calculation
	(being 10% of Rs.40,000/-) for each petitioner comes to Rs.44,000/- x 4	
	Total compensation is fixed at	Rs.35,84,000/-

4. Challenging the same, the Insurance Company has preferred the instant civil miscellaneous appeal.

5. Heard the learned counsel for the appellant and the learned counsel for the respondents 1 to 4 and perused the materials placed on record.

6. The accident is not in dispute. The foremost contention of the learned counsel for the appellant is that there was negligent on the part of the deceased, since she has crossed the road to the Highways suddenly from the Village Road, therefore, contributory negligence ought to be imposed. The evidence of PW2, in this regard, when carefully seen would indicate that the deceased had in fact came from the Village Road and proceeded carefully, the offending lorry came from the West to East in a rash and negligent manner and dashed against the deceased. Though the accident took place in the Highways, the fact remains that whenever there is a Village Road connecting to the Highways, normally, there will be a Sign Mark; in those areas, the drivers driving on the Highways should drive very carefully. In fact, accident has not happened immediately after crossing, the deceased had in fact entered Highways and proceeded East to West, this has been clearly spoken by PW2. In such case, the offending vehicle



proceeding from West to East, the driver would have a clear view of the vehicle coming from the opposite direction, if the driver had taken a proper care and reduced the speed, the accident would not have happened.

7. Therefore, merely, because the deceased was not wearing helmet, that cannot be a determinative factor to say that she was negligent. When the lorry driver had clearer view of the road and the deceased was proceeding in the opposite direction, the driver ought to have controlled the vehicle to avoid the accident which has not been done so, however, he dashed the two wheeler in the same direction. This itself clearly show that there was negligent on the part of the offending vehicle. Further, to prove the contributory negligence, there must be some evidence on the side of the Insurance Company, however, there is no evidence whatsoever available on record. Hence, the plea of negligence on the part of the deceased has to fail.

8. As far as the quantum is concerned, the second contention of the learned counsel for the appellant is that the deceased income has not been proved. It is relevant to note that PW3 is working in GPR textiles and through him Exs.P14 to P17 were marked. In his evidence, he has clearly stated that deceased was working in GPR Textiles. In fact, it is a registered company and she was drawing a sum of Rs.20,000/- per month. Ex.P15 is the Registration Certificate of the Company and PW3 was also issued with an Authorisation



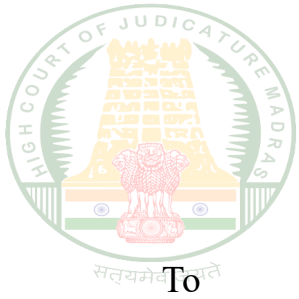
Certificate to give evidence. All these facts clearly shows that PW3 is working in GPR Textiles and there is no reason as to why he should give a false evidence before the Court. Further, no contra evidence was adduced that there was no such company in existence and they have not engaged the deceased at any point of time. Thus, we are of the view that the Tribunal was right in taking into consideration of the salary and had applied correct multiplier and awarded the compensation. In such view of the matter, we do not find any merits in the appeal.

9. In fine, this Civil Miscellaneous Appeal is dismissed and the award dated 31.10.2025 made in MCOP.No.401 of 2025 (Old MCOP.No.751 of 2022) on the file of the learned Special District Court No.I to deal with MCOP Cases, Coimbatore (Special District Judge, III ADJC, Coimbatore) is confirmed.

No costs. Consequently, connected miscellaneous petition stands closed.

(N.SATHISH KUMAR J.)(M.JOTHIRAMAN J.)
20-07-2026

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



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To
1.The Special District Judge
Special District Court No.1 to deal with
MCOP Cases
Coimbatore

2.The Section Officer
VR Section
Madras High Court



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