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CMA No. 2169 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2169 of 2026

AND

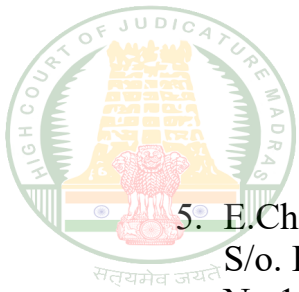
CMP NO. 16571 OF 2026

Reliance General Insurance Co. Ltd
represented by Assistant Vice President (Legal),
2nd Floor, Shir Abirami Towers, 43 B,
Cowly Brown Road, R S Puram,
Coimbatore 641 002

..Appellant(s)

Vs

1. Dhanalakshmi
W/o Muniyandi,
No 52, Sakthi Nagar,
Karaian Pudur, Palladam Taluk,
Thiruppur District 641 664
2. S.Muniyandi
S/o. Subramaniam,
No 52, Sakthi Nagar,
Karaian Pudur, Palladam Taluk,
Thiruppur District 641 664
3. S.Thangavel
S/o. Saminathan,
No.3/38 B, ottukarar Thottam,
Selambanur, Coimbatore North, Viraliyur,
Coimbatore-109.
4. R.Selvi
W/o. Rajamanickam,
Ayyampalayam, Kanakkampalayam,
Udumalpet, Tiruppur.



5. E.Chidambaram
S/o. Esakki,
No.184, Eduvayan Thottam, Pongegoundan
Puthur, Palladam Taluk, Tiruppur-664.

6. The New India Assurance Co. Ltd
represented by its Branch Manager,
M.L.Complex, 1st Floor, 10/11,
Church Road, Dharapuram, Tiruppur-656.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 24-10-2025 in M.C.O.P.No.17 of 2021 on the file of the Subordinate Court, Palladam.

For Appellant(s): Mr.R.Sunilkumar

For RR 1 and 2: Mr.Keerthivarman and Mr.G.Sujith

JUDGMENT
(delivered by M.Jothiraman J.)

Challenging the award dated 24-10-2025 passed in M.C.O.P.No.17 of 2021 on the file of the Subordinate Court, Palladam, the appellant/insurance company has filed the present appeal.

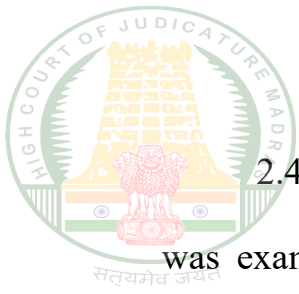
2. The brief facts of the case, which are relevant for deciding this appeal, are as follows:



2.1 On 29.11.2020 at about 11.00 a.m., while Prashanth Kumar was riding his Pulsar bike bearing Registration No.TN 42 AC 2058 with his friend Sathishkumar at Tiruppur to Palladam Road nearby Karaiyamputhur Pirivu from North to South direction, a Ashok Leyland lorry bearing Registration No.TN 57 U 8797 drove by the first respondent on the same road, hit Prashanth Kumar from behind with high speed in a rash and negligent manner, due to which, Prashanth Kumar sustained multiple injuries of over his body and immediately, Prashanth Kumar was taken to the Government Hospital, Palladam, where, he was declared brought dead.

2.2 The appellant/insurance company contested the case by filing counter affidavit, wherein, it has been stated that the accident has happened due to the negligent act of the deceased, inasmuch as, the deceased drove the two wheeler in a four road junction and suddenly applied brake without any signal and therefore, he was alone responsible for the accident.

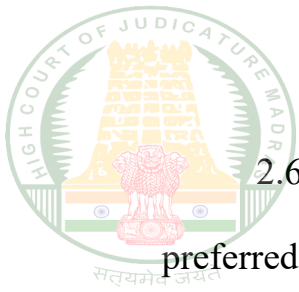
2.3 The sixth respondent/insurance company herein also contested the case by filing counter affidavit, wherein, it has been stated that the accident has happened not due to the negligent act of the deceased and hence, the appellant/insurance company alone was liable to pay compensation, as the sixth respondent is the insurance company for the deceased vehicle, which is not an offending vehicle.



2.4 On the side of the claimants, the second claimant viz. Muniyandi was examined as PW1, Vijay was examined as PW2 and Maniprakash was examined as PW3 and Exs.P1 to P17 were marked. On the side of the respondents, no witness was examined nor any document marked.

2.5 Upon appreciation of the oral and documentary evidence adduced on either side, the Tribunal found that the accident has happened due to the rash and negligence of the third respondent herein and fixed the liability on appellant/insurance company. As per the death certificate (Ex.P4), the age of the deceased at the time of accident was 20 years. The Tribunal fixed the notional income of the deceased at Rs.17,000/- for the accident happened in the year 2019. By applying the principles laid down by the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi & Ors.* reported in *(2017) 16 SCC 680*, 40% future prospects was also added to the income of the deceased. The Tribunal awarded the total compensation of Rs.26,91,400/- as just compensation under various heads as under:

Heads of compensation	Amount awarded by the Tribunal (in Rs.)
Loss of dependency	25,70,400
Loss of estate	16,500
Funeral expenses	16,500
Loss of consortium for first claimant	44,000
Loss of consortium for second claimant	44,000
Total	26,91,400



2.6 Aggrieved over the same, the appellant/insurance company has preferred the present appeal.

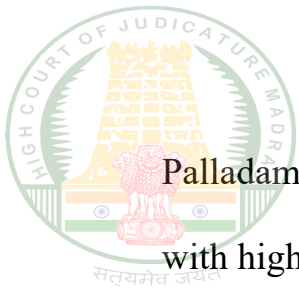
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3. The learned counsel appearing for the appellant would submit that the Tribunal ought to have considered that the accident was solely on account of the rash and negligent driving of the deceased, who had applied sudden brake at four way junction resulting in the lorry hitting him from behind. The Tribunal ought to have considered the fact that the deceased was not wearing helmet at the time of accident and therefore, he had contributed for his death and consequently, should have deducted proportionate compensation towards contributory negligence.

4. *Per contra*, the learned counsel appearing for the respondents 1 and 2/claimants submitted after considering the evidence adduced on either side, the Tribunal has awarded just and fair compensation and there is no infirmity in the award passed by the Tribunal.

5. We have considered the submissions made on either side and perused the materials available on record.

6. According to the claimants, the deceased was riding his Pulsar bike along with his friend Sathish Kumar on 29.11.2020 at 11.00 a.m. at Tiruppur to

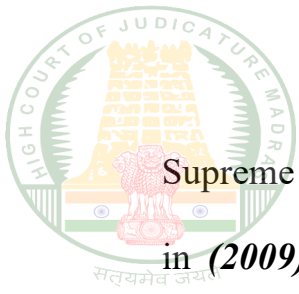


Palladam road and at that time, the lorry, which came behind, hit the deceased with high speed.

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7. Exs.P1, P6 & P7 are the copies of the FIR, driving licence of the first respondent therein and insurance policy, respectively. Though the appellant/insurance company for the lorry contended that the accident has happened due to the negligent driving of the deceased, however, as per the FIR (Ex.P1), the case has been registered against the first respondent therein. According to the claimants, the deceased was working as a Merchandiser in S.S. Clothing and Annamar Clothing, Tiruppur and he was earning not less than Rs.25,000/- per month and in order to prove the salary of the deceased, PW3 was examined. According to PW3, who is the employer of the deceased, stated that he had given salary of Rs.20,000/- per month to the deceased and produced a salary certificate to that effect, which was marked as Ex.P12. The Tribunal has rightly found that the salary certificate under Ex.P12 cannot be relied upon, since PW3 has not produced any proof for employment of the deceased. Considering the fact that the deceased was working in a private concern and also the fact that the accident had happened in the year 2020, the Tribunal has fixed the notional income of the deceased at Rs.17,000/-.

8. The deceased was aged about 20 years at the time of accident and therefore, the Tribunal applied 18 multiplier as per the decision of the Hon'ble

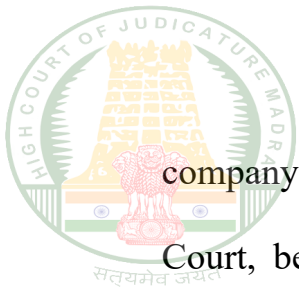


Supreme Court *Sarla Verma & Ors vs. Delhi Transport Corp. & Anr* reported in (2009) 6 SCC 121. As per the guidelines set out in *National Insurance*

Company Limited v. Pranay Sethi & Ors. reported in (2017) 16 SCC 680, 40% future prospects was also added to the income of the deceased and also a sum of Rs.40,000 was awarded under the head loss of consortium and also ordered 10% under conventional heads once in three years. Though the appellant/insurance company vehemently contended that the accident had happened only due to the negligent act of the deceased alone, in order to establish the same, the appellant/insurance company has not chosen to place any records or not chosen to examine any independent witness. In the absence of any proof of evidence, the negligence automatically cannot be fastened on the side of the deceased.

9. This Court is of the considered view that the Tribunal is right in finding that the accident had occurred only due to the rash and negligent driving of the first respondent therein and he is solely responsible for the same and awarded just and fair compensation. We find no infirmity in the award passed by the Tribunal and this civil miscellaneous appeal is liable to be dismissed as devoid as merits.

In the result, this civil miscellaneous appeal is dismissed confirming the order dated judgment and decree dated 24-10-2025 in M.C.O.P.No.17 of 2021 on the file of the Subordinate Court, Palladam. 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 and on such deposit, the claimants are directed to withdraw the same as apportioned by the Tribunal, after filing a proper petition for withdrawal. No costs. Connected C.M.P. is closed.

(N.S.K.,J.) (M.J.R.,J.)
14-07-2026

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

nsd

To

- 1.The Subordinate Judge, Palladam.
- 2.The Section Officer, V.R. Section, Madras High Court.



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

nsd

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