



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2224 of 2026

AND

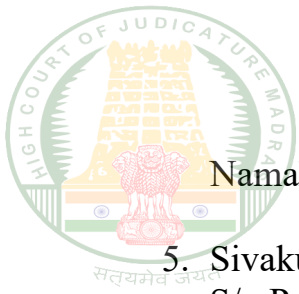
CMP NO. 17044 OF 2026

The Manager
Chola MS General Insurance Co.Ltd.,
Karur Branch Office,
NO.79/1, Thiru.Vi.Ka Road,
Old Bus Stand,
Trichy Road,
Hero Showroom,
Sengunthapuram,
Karur District

..Appellant(s)

Vs

1. Dhanalakshmi
W/o Late Selvaraj,
2. Megha
D/o Late Selvaraj,
3. Minor Yogashree
D/o Late Selvaraj,
Res at Door No.2/58, Kudi Street,
Veeranampalayam Village,
Paramathi, Vellore Taluk,
Namakkal District
(Minor rep by its next friend and Natural
guardian 1st Petitioner)
Ettammal (Deceased)
4. Manimegalai
W/o Balasubramaniam,
D/o Kuzhanthagounder,
Door No.1/13, East Street,
Keezhparali Village,
Parali Post,



Namakkal Taluk and District

5. Sivakumar
S/o Periyasamy,
No.3/77, Elango Nagar,
Thirukaduthurai,
Karur District

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the order dated 31.01.2025 made in MCOP.No.10 of 2021 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Paramathi

For Appellant(s): Mr.Siva Kollapan B

For Respondent(s): Mr.R.Vivek
for
M/s.S.Senthil For Rr1 To 3

Judgment

This Civil Miscellaneous Appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Subordinate Judge, Paramathi.

2. The 1st claimant is the wife and the claimants 2 and 3 are the children of the deceased Selvaraj. The case of the claimants is that the deceased Selvaraj was travelling in a two wheeler from Veeranampalayam and at about 2.00 p.m, when the vehicle was crossing the house of one Periyasamy, the



offending vehicle viz., a Tata Ace vehicle was driven in a rash and negligent manner and it dashed against the two wheeler. As a result of which, the deceased was thrown away and he sustained fatal injuries and ultimately, succumbed to the same. An FIR came to be registered against the driver of the offending vehicle in Crime No.33 of 2020. It is under these circumstance, the claim petition came to be filed before the Tribunal.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the accident had taken place solely due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.38,32,144/- under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	Rs.32,50,000/-
2.	Loss of love and affection	Rs.90,000/-
2.	Consortium	Rs.48,000/-
3.	Medical expenses	Rs.4,07,144/-
4.	Funeral expenses	Rs.18,000/-
5.	Loss of Estate	Rs.18,000/-



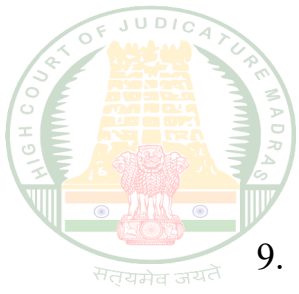
6.	Loss of amenities and damages to clothes	Rs.1,000/-
	Total	Rs.38,32,144/-
	(-) 10% non-wearing of helmet	Rs.3,83,214/-
	Total	Rs.34,48,930/-

The Tribunal deducted 10% towards contributory negligence on the ground that the deceased was not wearing a helmet. Accordingly, a sum of Rs.34,48,930/- was directed to be paid by the Insurance company along with interest at the rate of 7.5% per annum. The Tribunal also ordered for pay and recovery on the ground that the Driver of the vehicle did not possess a valid driving license and that the vehicle also did not have a fitness certificate. Aggrieved by the same, the present appeal has been filed before this Court by the Insurance company.

6. Heard Mr.Siva Kollapan B, learned counsel for appellant and Mr.R.Vivek, learned counsel for the respondents 1 to 3.

7. This Court carefully considered the submissions made on the side of the appellant and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.



9. The main ground that was raised on the side of the appellant is that the Tribunal had fixed an exorbitant annual income and consequently awarded an excessive amount under the head of loss of dependency. It is submitted that the accident is of the year 2020 and the Tribunal relied upon Ex.P8 to P10 and P15 and fixed the annual income of the deceased at Rs.3,00,000/-. The learned counsel submitted that the documents relied upon by the Tribunal pertained to the income tax returns for the years 2014 -2015 to 2016-2017 and that there was absolutely no material to establish the income earned by the deceased at the time of his death in the year 2020.

10. This Court carefully went through the findings of the Tribunal in this regard. The Tribunal had taken into consideration the income tax returns for the period 2014-2015 to 2016-2017 and also Ex.P15 viz., the bank account details available to establish the money trail reflected in the passbook maintained by the deceased. The Tribunal came to a conclusion that the income of the deceased can be fixed only based on those documents since there was no material to show the annual income earned by the deceased at the time of the accident in the year 2020. The claimants in their claim petition were claiming that the deceased was earning a monthly income of not less than 30,000/-. The Tribunal did not go by this figure that was projected on the side of the claimants. Thus, it is clear that the Tribunal had applied its mind while



determining the income of the deceased and rendered a finding which does not suffer from any perversity warranting the interference of this Court.

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11. The compensation fixed under the other heads is just and proper and it does not require the interference of this Court.

12. In view of the above, this Court is not inclined to interfere with the award passed by the Tribunal and accordingly, the same is hereby sustained. In the result, this Civil Miscellaneous Appeal stands dismissed. The Insurance company is directed to deposit the compensation amount awarded by the Tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, the connected miscellaneous petition is closed.

21-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accident Claims Tribunal, Subordinate Judge, Paramathi



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N.ANAND VENKATESH J.

RKA

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