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CMA No. 2310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2310 of 2026

AND

CMP No.17702 of 2026

Reliance General Insurance Co. Ltd.
No.6, Reliance House, 4th Floor,
Haddows Road, Nungambakkam,
Opp. To Sasthri Bhavan,
Chennai – 600 034.

..Appellant(s) /
2nd Respondent

Vs

- 1.Asma (Aged 28 years),
W/o. Mohammed Ali.
- 2.Najmunnisha, (Aged 56 years).
W/o. Abdhul Khadhar
- 3.Abdul Khadher (Aged 53 years),
S/o. Mohammed Umar

1 to 3 are residing at
No.36/67, Dr.Ambedkar Nagar,
2nd Street, Pullianthope,
Perambur Barracks,
Chennai-600 012.

4.S.Kanniyappan

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 09.04.2025 passed in



MCOP.No.5614 of 2022, on the file of the MACT, Chief Judge, Court of Small Causes, Chennai.

For Appellant(s): Mr.P.Suresh Srinivasan

For Respondent(s): Mr.M.Malar for R1 to R3

Judgment

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

Unsuccessful appellant Insurance Company, challenging the quantum of compensation, has preferred this Civil Miscellaneous Appeal as against the award dated 09.04.2025 passed by the MACT, Chief Judge, Court of Small Causes, Chennai in MCOP.No.5614 of 2022.

2. According to the claimants, on 12.11.2022 at about 1.30 p.m., while the victim Mr.Mohammed Ali, a Zomato delivery man was driving a Bajaj Pulsar Motorcycle bearing Reg.No.TN 12 B 9139 to deliver food to a customer at Canal Road, Manali Express Road Junction, an Ashok Leyland Trailor lorry bearing Reg.No.TN18 E 4001, coming from the same direction driven in a rash and negligent manner, dashed behind the victim's motorcycle. Due to the accident, the victim fell onto the road with helmet and the said lorry ran over on his head, causing his instantaneous death.

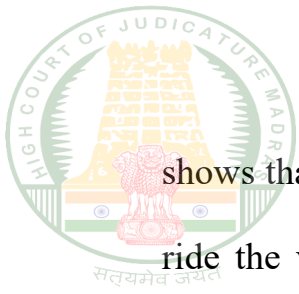
3. The 2nd respondent therein / Insurance Company / appellant herein filed their counter statement before the Tribunal, wherein it has been stated that the



claimants have to prove the place, time and manner of the accident. The 2nd respondent submitted that the accident occurred due to the rash and negligent driving of some unknown vehicle. The 1st respondent therein / owner of the lorry / 4th respondent's herein vehicle was falsely implicated in the accident. The claimants have to prove the validity of vehicle records, the driving licence of the driver and the insurance coverage of the 4th respondent's vehicle at the time of accident. The 2nd respondent / Insurance Company contended that the driver of the 4th respondent's vehicle was under the influence of alcohol at the time of the accident. The deceased, who was under pressure to complete a food delivery on time, drove the motorcycle in a rash and negligent manner, without a valid driving licence, without wearing a helmet, thereby contributing to the accident upon himself.

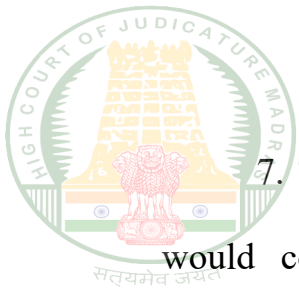
4. On behalf of the claimants, the 1st claimant – Abdul Khadher examined himself as PW1 and one Ranjith was examined as PW2 / eye witness. On the side of the respondents, neither any witness was examined nor any document was marked.

5. Upon appreciation of the evidence adduced on either side, the Tribunal found that PW2 is the eye witness to the accident and he categorically deposed that the accident occurred due to rash and negligent driving of the driver of the lorry bearing Reg.No.TN 18 E 4001. Ex.P15 driving licence of the deceased



shows that the rider of the motorcycle was also having valid Driving Licence to ride the vehicle at the time of accident. Ex.P13 is the Insurance Policy and Ex.P14 - Driving Licence of the lorry shows that the lorry was validly insured with the appellant insurance company. The Tribunal also found that though the claimants claimed that the deceased was engaged in Zomato food delivery work in Zomato Meida Pvt. Ltd., and was earning Rs.30,000/- per month, there is no proof for the same and therefore, fixed the notional income of the deceased as Rs.16,700/- and arrived at the compensation of Rs.33,54,700/- with interest @ 7.5% p.a. from the date of filing of the claim petition till the date of realisation. Aggrieved over the same, the present appeal has been filed by the appellant insurance company.

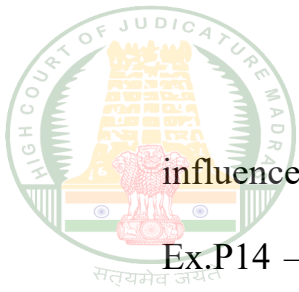
6. The learned counsel appearing for the appellant would submit that since the driver of the insurance vehicle was not examined to establish and fix the negligence on the part of the driver of the insured vehicle, the Tribunal should have applied the principle of contributory negligence. The claimants ought to have produced bank statement and income tax returns to prove the income of the deceased, however without any material evidence, the Tribunal had fixed the notional income of the deceased as Rs.16,700/- per month. The driver of the 4th respondent vehicle was under the influence of alcohol at the time of accident.



7. The learned counsel appearing for the respondents 1 to 3 / claimants would contend that the Tribunal on a proper appreciation of oral and documentary evidence on either side, has arrived at a just and fair compensation and the same does not warrants any interference.

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

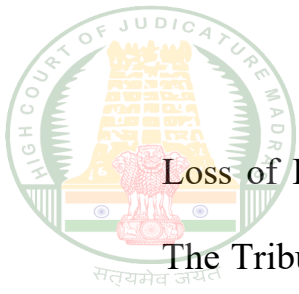
9. According to the appellant, the driver of the fourth respondent's vehicle was under the influence of alcohol at the time of accident. In order to prove the aforesaid facts, the appellant has not chosen to produce any medical record and not examined any witness to that effect. Another contention raised by the appellant Insurance Company is that there is no negligence on the part of the deceased also. On behalf of the claimants side, one Mr.Ranjith / PW2 was examined as an eye witness and he deposed that the accident was caused due to the rash and negligent driving of the driver of the lorry bearing Registration No.TN 18 E 4001. Ex.P1 is the FIR which came to be registered against the driver of the lorry and there is no contra evidence on the side of the appellant Insurance Company. Hence, the Tribunal decided that the accident was caused due to the rash and negligent driving of the driver of the lorry bearing Reg.No.TN 18 E 4001. Though much emphasis was laid by the appellant insurance company that the driver of the lorry drove the vehicle under the



influence of alcohol, no evidence was let in by them to prove their contention.

Ex.P14 – Driving Licence of the driver of the lorry reveals that the lorry was was validly insured with the appellant insurance company. Ex.P15 also shows that the rider of the motor cycle was having valid licence to ride the vehicle at the time of accident.

10. Considering the evidence adduced on the side of the claimants and the documents produced, the Tribunal has rightly come to the conclusion that the accident was caused due to the rash and negligent driving of the driver of the lorry bearing Reg.No.TN 18 E 4001. The accident occurred on 12.11.2022 and the age of the deceased at the time of accident was 30 years. The Tribunal, taking into consideration Ex.P15- Driving Licence of the deceased, Ex.P14 – Driving Licence of the 1st respondent's vehicle, Ex.P12 – Aadhaar Card of the deceased and considering the age of the deceased i.e., 33 years at the time of accident, has arrived the monthly income of the deceased at Rs.16,700/-, which is a just and fair compensation. In fact, the claimants have not produced any proof of income to establish the income of the deceased at Rs.30,000/- per month. By applying the ratio laid down in ***Smt.Sarla Verma and Others v. Delhi Transport Corporation and another [2009 (2) TNMAC 1 (SC)] and National Insurance Co., Ltd., v. Pranay Sethi and others [2017 (2) TNMAC 609 (SC)]***, by applying Multiplier “17” for the age of the deceased and adding 40% towards future prospects, the Tribunal has arrived Rs.31,79,680/- towards



Loss of Income / Dependency [Rs.23,380 x 12 x 17 x 2/3] = Rs.31,79,680/-.

The Tribunal has also awarded Rs.16,500/- towards Loss of Estate, Rs.44,000/-

consortium for each of the claimants, totally Rs.1,32,000/- for 3 claimants,

Rs.16,500/- towards Funeral Expenses and Rs.10,000/- towards Transportation

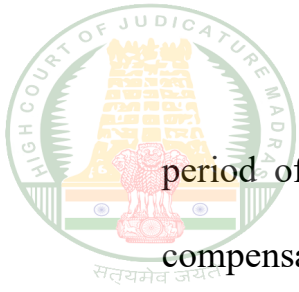
Charges, which is just and reasonable. Thus the Tribunal has arrived and

awarded compensation under various heads as under:

Head of Compensation	Amount Awarded by the Tribunal (in Rs.)
Loss of Income / Dependency Rs.23,380 x 12 x 17 / 2/3	31,79,680
Loss of Consortium Rs.44,000 (each) x 3	1,32,000
Loss of Estate	16,500
Funeral Expenses	16,500
Transportation Charges	10,000
Total	33,54,700

We do not find any reason to interfere with the compensation awarded by the Tribunal and finds no merit in this appeal.

11. *This Civil Miscellaneous Petition stands dismissed* and the award dated 09.04.2025 passed in MCOP.No.5614 of 2022 passed by the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai stands confirmed. 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. The compensation amount shall be apportioned as per the ratio of apportionment as ordered by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.K.,J.) (M.J.R.,J.)
10-07-2026

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

JVM

To
MACT, Chief Judge,
Court of Small Causes, Chennai



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

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