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C.M.A.No.2312 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

C.M.A.No.2312 of 2026

&

C.M.P.No.17708 of 2026

The Reliance General Insurance Co. Ltd.,
Motor Third Party Claims, 4th Floor
Reliance Tower
Sasthiri Bhavan Road
Nungambakkam
Chennai - 600 034

..Appellant

Vs

1.Sudha
2.Seethalakshmi

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the order dated 30.06.2025 made in MA.C.T.O.P.No.5245 of 2021 on the file of MACT, III Small Causes Court, Chennai.

For Appellant(s) : Mr.G.Vaudevan

For Respondents : Mr.K.M.Ramesh for R1



JUDGMENT

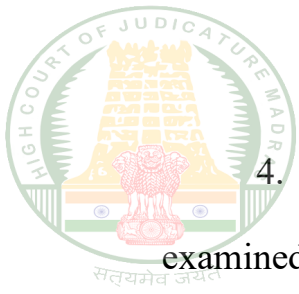
WEB COPY(Judgment of the Court was delivered by N.Sathish Kumar J.)

A challenge has been made to the award passed by the Motor Accident Claims Tribunal, III Small Causes Court, Chennai dated 30.06.2025 made in MA.C.T.O.P.No.5245 of 2021.

2. Brief facts of the case is as follows:

The deceased Sanjay, who was aged about 18 years, was sitting on the parked motorcycle bearing Registration No.TN-02-BS-7404, at that time, the first respondent vehicle bearing Registration No.TN-18-AR-8777 driven by its driver in a rash and negligent manner dashed against the deceased due to which the deceased sustained grievous injuries on the head and subsequently succumbed to the injuries.

3. The claimant is the mother of the deceased. The only contention raised by the second respondent Insurance Company is that there was no negligence on the part of the driver of the first respondent vehicle and the vehicle was driven only at a moderate speed. The Insurance Company has also taken a stand that the driver the first respondent vehicle did not have a valid Driving Licence and therefore, committed breach of terms and conditions of the policy.



4. Before the Tribunal, on the side the claimant, PWs 1 and 2 were examined and Exs.P1 to P15 were marked, but no oral or documentary evidence was marked on the side of the respondents.

5. The Tribunal, on analysing the evidence of Pws 1 and 2, found that the driver of the offending vehicle has driven the vehicle in a rash and negligent manner and dashed against the deceased and came to the conclusion that there was negligence on the part of the first respondent vehicle. In the absence of contra evidence. we are of the view that the finding of the Tribunal does not require any interference.

6. Heard the learned counsel for appellant Insurance Company and Mr.K.M.Ramesh, learned counsel for the first respondent.

7. The deceased was aged about 18 years at the time of accident. He was working in a plastic company and was earning a sum of Rs.15,000/- per month. The accident took place in the year 2021. The Tribunal has fixed Rs.15,000/- per month as notional income. This Court is of the view that even a daily wager will earn Rs.500/- per day and therefore, the notional income fixed by the Tribunal at Rs.15,000/- per month cannot be found fault with. The Tribunal, relying on the ratio laid down by Hon'ble Supreme Court in ***National Insurance Company Limited Vs. Pranay Sethi and Others*** reported in ***2017(2) TNMAC 609 (SC)*** has added 40% towards future prospects. As the deceased was a bachelor and his mother is the claimant, the Tribunal has rightly deducted 50% towards personal income and awarded a sum of Rs.22,68,000/- under the



head "loss of dependency". We are of the view that the same is reasonable and we are not inclined to interfere with the same. Similarly, the compensation awarded under other heads is also reasonable and the same does not require any interference.

7. Accordingly, we do not find any merit in the appeal and the same is dismissed. The appellant-Insurance Company is directed to deposit the compensation amount awarded by the Tribunal with accrued interest and costs, less the amount already deposited, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant is entitled to withdraw the amount by filing an appropriate application before the Tribunal. There shall be no order as to costs. Consequently, the 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

gpa

To

1. Motor Accident Claims Trinunal
III Small Causes Court, Chennai
2. The Section Officer
VR Section
Madras High Court



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

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