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C.M.A.Nos.2698 to 2700 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2026

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.Nos.2698 to 2700 of 2026

C.M.A.No.2698 of 2026

Bharathi

... Appellant

Vs.

1.V.Lakshmanan

2.Reliance General Insurance Company Limited,
Plot No.6, 6th Floor, Haddows Road,
Nungambakkam, Chennai-600034.

...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.07.2025 made in M.C.O.P.No.2863 of 2022 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

For Appellant : Mr.A.G.F.Terry Chella Raja

For R2 : Mr.P.Suresh Srinivasan



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C.M.A.No.2699 of 2026

1.Gandhimathi
2.Munusamy
3.Vithya
4.Navaneedham

... Appellants

Vs.

1.V.Lakshmanan

2.Reliance General Insurance Company Limited,
Plot No.6, 6th Floor, Haddows Road,
Nungambakkam, Chennai-600034.

...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.07.2025 made in M.C.O.P.No.2862 of 2022 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

For Appellant : Mr.A.G.F.Terry Chella Raja

For R2 : Mr.P.Suresh Srinivasan

C.M.A.No.2700 of 2026

1.Dhivya
2.Vishnu(minor)
3.Pirthi (minor)
4.Akilan(minor)
5.Vanamayil
(minor appellants 2 to 4 rep.by their mother Dhivya/1st appellant)

... Appellants



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Vs.

1.V.Lakshmanan

2.Reliance General Insurance Company Limited,
Plot No.6, 6th Floor, Haddows Road,
Nungambakkam, Chennai-600034.

...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.07.2025 made in M.C.O.P.No.2861 of 2022 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

For Appellant	:	Mr.A.G.F.Terry Chella Raja
For R2	:	Mr.P.Suresh Srinivasan

COMMON JUDGMENT

The claimants/appellants have filed this Civil Miscellaneous Appeal seeking enhancement of compensation by the Tribunal, challenging the common judgment and decree of the Motor Accident Claims Tribunal (Chief Court of Small Causes), Chennai dated 23.07.2025 made in M.C.O.P.Nos.2861 to 2863 of 2022.



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2. The brief facts of the case is that on 05.04.2022 at about 11.00 p.m., when one Karthikeyan, Vignesh and Bharathi were travelling in a TATA Load Van bearing Registration No.TN 22 DQ 4441 belonging to one Lakshmanan/first respondent and insured with the second respondent Insurance Company which was proceeding from south to north towards Chennai opposite to Vandalur new over bridge and new bus stand on GST Road, Urappakkam, the driver of the van drove the vehicle in a rash and negligent manner, as a result of which, the back left tyre burst, causing the vehicle to capsize. In the said accident, the aforesaid Karthikeyan and Vignesh sustained fatal injuries and died and Bharathi sustained multiple grievous injuries.

3.The wife, children and mother of the deceased Karthikeyan filed a claim petition in M.C.O.P.No.2861 of 2022 before the Tribunal, claiming a total compensation of Rs.76,00,000/- under various heads.



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4. The parents and sisters of the deceased Vignesh filed a claim petition in M.C.O.P.No.2862 of 2022 before the Tribunal, claiming a total compensation of Rs.47,00,000/- under various heads.

5.The injured Bharathi filed a claim petition in M.C.O.P.No.2863 of 2022 before the Tribunal, claiming a total compensation of Rs.30,00,000/- under various heads.

6.The owner of the vehicle namely Lakshmanan/first respondent remained *ex parte* before the Tribunal.

7.The insurer of the vehicle contested the cases before the Tribunal by filing their counter statement and stated that the deceased and the injured were traveling in the TATA Load Van as gratuitous passengers and Section 147 of the Motor Vehicles Act, 1988, does not envisage coverage of such passengers in a goods vehicle. Besides, they also disputed the age, occupation and income of the deceased and the injured. They also



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contended that the accident was due to the negligence of the deceased and the injured, who were seated in the goods vehicle as passengers in an inebriated condition.

8.Since all the three claim petitions were arising out of a same accident, the Tribunal conducted a joint trial in the three cases.

9.In M.C.O.P.No.2861 of 2022, on the side of the claimants, P.W.1 was examined and Exs.P1 to P11 were marked. On the side of the respondents before the Tribunal, R.W.1 was examined and Exs.R1 to R3 were marked.

10.In M.C.O.P.Nos.2862 and 2863 of 2022, on the side of the claimants, P.W.1 and P.W.2 were examined and Exs.P1 to P21 were marked. On the side of the respondents before the Tribunal, R.W.1 was examined and Exs.R1 to R3 were marked. Apart from that, the Disability Certificate of Bharathi was marked as Ex.C1.



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11. Based on the evidence and materials on record, the Tribunal, by its common judgment and decree dated 23.07.2025, considering the evidence of the eye-witness (P.W.2 in M.C.O.P.No.2863 of 2022), found that the accident was due to the rash and negligent driving of the driver of the Tata Load Van bearing Registration No.TN-22-DQ-4441 and awarded a total compensation of Rs.36,29,800/- in M.C.O.P.No.2861 of 2022; Rs.27,44,100/- in M.C.O.P.No.2862 of 2022; and Rs.5,08,100/- in M.C.O.P.No.2863 of 2022, along with interest at the rate of 7.5% p.a. from the date of claim petitions.

12. This Court heard the learned counsels appearing on either side and perused the materials available on record.

13. The learned counsel appearing for the second respondent/Insurance Company brought to the notice of this Court that in respect of very same accident, the Hon'ble Division Bench of this Court in C.MA.Nos.2301, 2302 and 2305 of 2026 vide judgment dated 22.07.2026 has confirmed the quantum of compensation arrived by the Tribunal.



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14. The learned counsel appearing for the claimants in all the appeals is not disputed to the said fact.

15. It is seen from the submissions made by the learned counsel appearing for the second respondent/Insurance Company that the Hon'ble Division Bench of this Court in C.M.A.Nos.2301, 2302 and 2305 of 2026 filed by the Insurance Company challenging the compensation awarded to the claimants in M.C.O.P.No.2861, 2862 and 2863 of 2022 vide award dated 23.07.2025, has considered the very same accident and confirmed the quantum of compensation awarded by the Tribunal and the relevant paragraphs are extracted hereunder:-

“23.Insofar as the quantum is concerned, admittedly, the deceased and the injured were fruit and vegetable vendors, whose goods were taken in the load vehicle. Considering the year of accident, i.e., 2022, and the young age of the deceased and the injured and their occupation as fruit vendors, the Tribunal has fixed their notional income at Rs.16,700/- as per the decision of the Division Bench of this



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Court in Andal v. Avinav Kannan reported in 2019 (1)

TNMAC Page 54.

24. Insofar as M.C.O.P.Nos.2861 and 2862 of 2022 (fatal cases), 40% future prospects has been added and respective multipliers of 16 and 18 were applied as per the decisions of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others** reported in **2017 (2) TNMAC 609** and **Sarala Verma v. Delhi Transport Corporation** reported in **AIR 2009 SC 3104**. After making the deductions towards personal expenses, the Tribunal has arrived at the loss of income/dependency at Rs.33,66,720/- in M.C.O.P.No.2861 of 2022 and Rs.25,25,040/- in M.C.O.P.No.2862 of 2022, which, in our view, is proper. Further, the Tribunal has awarded a sum of Rs.16,500/- towards loss of estate, Rs.44,000/- towards loss of consortium to each of the claimants; Rs.16,500/- towards funeral expenses and Rs.10,000/- towards transportation charges including damages to personal belongs, which, in our view, are just and reasonable.

25. Insofar as M.C.O.P.No.2863 of 2022 relating to the case of injury is concerned, the Tribunal, considering the Disability Certificate (Ex.C1), has fixed the permanent



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*disability of the injured at 36%. In view of the judgment of this Court in **Rajkumar v. Saravanan and others [C.M.A.No.1551 of 2024]**, the Tribunal has fixed a sum of Rs.8,000/- per percentage of disability for the accident that occurred in 2022. Accordingly, the Tribunal has arrived at the loss of earning due to disability at Rs.2,88,000/- (Rs.8,000/- x 36). Further, from the Discharge Summary (Ex.P17) which shows that the injured was admitted in the hospital for three months, the Tribunal has calculated the loss of income due to hospitalisation as Rs.50,100/- (Rs.16,700/- x 3). Further, the Tribunal has awarded Rs.10,000/- towards transportation to and from hospital; Rs.30,000/- towards extra nourishment; Rs.1,00,000/- towards mental agony, pain and sufferings; and Rs.30,000/- towards attender charges during the treatment period, which, in our view, are just and reasonable and require no interference.*

26. Since there cannot be a pick and choose method to identify the fourth excess passenger in this case, in the interests of justice and in the light of the decision of the Hon'ble Supreme Court in K.M.Poonam's case (supra), the appellant Insurance Company has to be made liable for the two Awards which are the highest, i.e., M.C.O.P.Nos.2861 and 2862 of 2022 and entitled for pay and recovery in respect of



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M.C.O.P.No.2863 of 2022, which has rightly been done by the Tribunal.”

16. In view of the above judgment of the Hon’ble Division Bench of this Court, there is no further order required to be passed in these Civil Miscellaneous Appeals. Accordingly, the Civil Miscellaneous Appeals are dismissed. There shall be no order as to costs.

13.08.2026

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The Motor Accidents Claims Tribunal,
Chief Court of Small Causes, Chennai.

2. The Section Officer,
V.R. Section,
High Court,
Chennai.



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M.JOTHIRAMAN, J.

ssb

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