



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2026

WEB COPY

CORAM

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

**CMA. No.1971 of 2026
and CMP.No.15366 of 2026**

Reliance General Insurance Company Ltd.,
“RAI’s TOWER” Plot No.2054, 2nd Avenue,
2nd Floor (Next to Senthil Nursing Home),
Anna Nagar, Tamilnadu

..Appellant(s)

Vs

K.Velmurugan (died)

1.Tmt. Kavitha (aged 38 years),
W/o. Late Velmurugan

2.Asokh Kumar (Aged 19 years),
S/o. Late Velmurugan
1 & 2 both residing at
Krishnajaothi Spinning Mills, Kalipalayam,
Pallapalayam Post, Mangalam Via,
Tirupur District.

... Respondents 1 and 2 /
Petitioners

3.D.Rajasekar
S/o.Dhanuskodi,
Door No.82/W2, Kothapatti Post,
Andipatti Taluk, Theni District – 625512.



4.P.Gopinath,
S/o. Perumal,
6/6, North Street, Kothapatti Street,
Andipatti Taluk, Theni District- 625512.

/Respondents 1 and 2

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 18.12.2024 passed in M.C.O.P.No.99 of 2014 on the file of the Exclusive MACT, Tirupur.

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

JUDGMENT

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

This is a case of fatal and the Insurance Company is the appellant herein. Challenging the impugned award of the Court of Exclusive Motor Accident Claims Tribunal, Tiruppur dated 18.12.2024 in MCOP.No.99 of 2024, awarding compensation to the claimants/ respondents 1 and 2 to the tune of Rs.20,76,440/- with interest @ 7.5% per annum from the date of the petition till the date of realisation, the present Civil Miscellaneous Appeal has been filed. The appeal has been taken up at the admission stage itself on merits.

2. The brief facts of the case is as under:

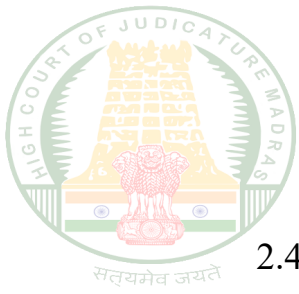
2.1. On 07.10.2013 at about 00.50 a.m., when the deceased K.Velmurugan and others were travelling in a Mahindra Tourist Van bearing Reg.No.TN 32 D 5010 on the Keelaveli Veedhi, Kamaraj Salai, Madurai, the



third respondent / driver of the van drove the same in a rash and negligent manner and hit a Volkswagen Polo Car bearing Reg.No.TN 64 F 2027, which was moving from north to south. The injured Velmurugan sustained amputation of his left hand and was treated at General Hospital, Madurai. The fourth respondent is the owner of the said Mahindra Van and the appellant herein is its insurer. At the time of accident, the deceased was aged about 30 years, working as a Machine Operator in one Krishnajothe Spinning Mills, Kallipalayam and was earning Rs.12,000/- per month and due to the injuries sustained, the deceased respondent could not continue his avocation.

2.2. The injured Velmurugan filed a Claim Petition in MCOP.No.99 of 2014, on the file of the Court of Exclusive Motor Accident Claims Tribunal, Tiruppur, claiming compensation in a Sum of Rs.50,00,000/-. Pending MCOP proceedings, the said Velmurugan died on 30.05.2024 and the respondents 1 and 2, who are his legal heirs are brought on record and they have claimed that the deceased Velmurugan died only due to the injuries suffered by the accident.

2.3. Before the Tribunal, the deceased / Velmurugan examined himself as PW1 and also one other witness. 9 Exhibits were marked on the side of the claimants. On the side of the respondent / appellant insurance company, 2 exhibits were marked. Ex.C1- Disability Certificate was also marked by the Court.



2.4. The Tribunal, on appreciation of oral and documentary evidence, awarded compensation of Rs.20,76,440/- payable by the appellant insurance company with interest @ 7.5 % p.a. from the date of presentation of the petition till the date of realisation. Challenging the quantum of compensation awarded by the Tribunal, the appellant Insurance Company has preferred this Civil Miscellaneous Appeal.

3. The learned counsel appearing for the appellant would submit that the driver of the insured vehicle was not examined to establish / fix the negligence on the part of the driver of the insured vehicle. Though the claim petition has been filed under Section 166 of the Motor Vehicle Act, however still the claimants/ respondents 1 and 2 herein miserably failed to establish the manner of the accident involving the alleged offending vehicle. The Tribunal went wrong in fixing the income of the injured at Rs.9,000/- per month without any basis and went wrong in adding 40% of the same towards future prospects. The Tribunal has erroneously awarded Rs.3,00,000/- towards prosthetic limb, without any proper medical bills. The huge compensation awarded by the learned Tribunal under various heads is unsustainable.

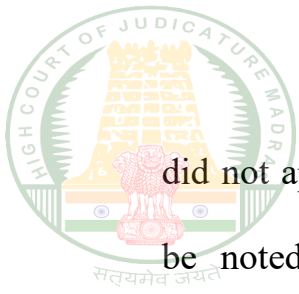
4. Heard learned counsel for the parties and perused the entire materials on record.



WEB COPY

5. According to the claimants / respondents 1 and 2 herein, the deceased Velmurugan, on 07.10.2013 at about 00.50 a.m., travelling in a Mahindra Tourist Van bearing Reg.No.TN 32 D 5010 on the Keelavali Veethi, Kamaraj Salai, Madurai. The driver of the van drove the same in a rash and negligent manner and hit the car, which was moving from north to south. The deceased Velmurugan sustained amputation on his left hand and was treated at Government Hospital, Madurai. The deceased claimant /Velmurugan was examined as PW1. He has stated that the accident occurred only due to the rash and negligent driving by the van driver, in which he was travelling. PW2- Mani has also corroborated the version of PW1. The claimants have produced Ex.P1- FIR registered with regard to the accident.

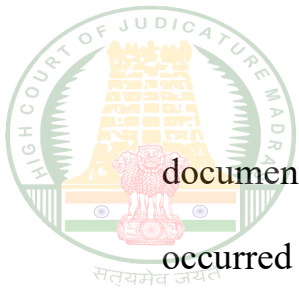
6. A perusal of Ex.P1- FIR shows that the FIR came to be registered based on the complaint of one Chitra, who is the owner of the Car. In her complaint, she had stated that when her son Boopalan was returning from the car from Trichy, the Mahindra car driven in a rash and negligent manner hit the car. The van capsized resulting in the death of one Sivakumar and many others were injured. It is to be noted that Ex.P2 = Ex.R2 are copies of the Charge Sheet pointing out the allegations against the driver of the van. It is seen from the records that the respondents 1 and 2 therein / driver and owner of the vehicle



did not appear before the Tribunal to defend the case of the claimants. It is to be noted that the appellant insurance company/3rd respondent alone has contested the case and not let in any contra evidence to prove that the accident occurred due to the rash and negligent driving by the first respondent therein. It is seen from the records that the respondents 1 and 2 therein have not chosen to give any complaint about the alleged accident.

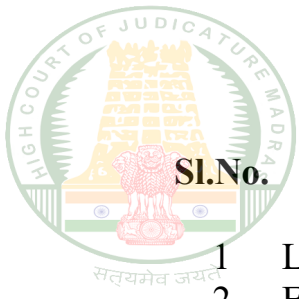
7. Considering the above facts and circumstances and the evidence let in by both sides, the learned Tribunal has rightly held that the accident had occurred only due to the rash and negligent driving of the first respondent therein / driver of the van. It is also relevant to note that the appellant Insurance Company has not produced any acceptable evidence to prove that the driver of the van / 3rd respondent herein has violated any terms of the insurance company. It is also seen from the records that the first claimant died on 30.05.2024, pending the MCOP proceedings.

8. Ex.P6 is the copy of the Discharge Summary issued by the Government Hospital Madurai, which shows that the deceased Velmurugan suffered amputation of left upper limb and he was admitted in the hospital on 07.10.2013 and discharged on 25.11.2013. Though the claimants claim that only because of the injuries suffered due to the accident, the deceased died on 30.05.2024, i.e., 10 years and 7 months after the accident, there is no acceptable



documentary evidence produced to show that the death of the said Velmurugan occurred only due to the injuries caused in the accident and the Tribunal has rightly rejected the said contention.

9. It is seen from the records that Ex.C1 – Disability Certificate issued by the Medical Board shows that the deceased Velmurugan suffered 88% disability. It is the claim of the injured that he was working as a Machine Operator in one Krishnajothe Spinning Mills, Kallipalayam and earning a sum of Rs.12,000/- per month, he has not chosen to produce any records to that effect. The Tribunal has considered as if the injured deceased as a Labourer and fixed Rs.300/- as daily wages and calculated monthly income of the deceased as Rs.9,000/-. As per the medical records, the age of the claimants was shown as 34 years at the time of accident. Considering the functional disability of the deceased Velmurugan at 70% and considering the age of the injured deceased at the time of the accident viz., 34, the Tribunal, by adopting Multiplier “16” and by adding 40% towards future prospects, has arrived loss of income of the deceased at Rs.16,93,440/-. Apart from the loss of income, the claimants were entitled to have Medical Attender Charges, Transportation Charges, Extra Nourishment. The Tribunal ultimately held that the respondents 1 and 2 herein, who are the dependants of the deceased, are entitled to the compensation under the following heads:

**Sl.No.****Under the Head****Amount awarded
(in Rs.)**

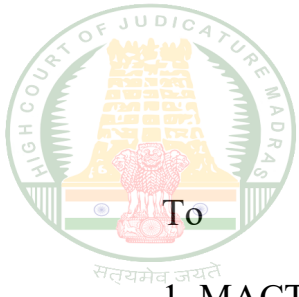
1	Loss of Income	16,93,440
2	Expenses towards Transportation	5,000
3	Expenses towards Extra Nourishment	25,000
4	Expenses towards Attender Charges	50,000
5	Damages towards cloths and articles	3,000
6	Expenses towards prosthetic limb	3,00,000
	Total	20,76,440

10. The Tribunal based upon documentary evidence produced by the claimants has rightly awarded fair compensation as aforesated under various heads. This Court finds no infirmity in the impugned award of the learned Tribunal. There is no merit in this appeal and it is liable to be dismissed.

11. Accordingly, this Civil Miscellaneous Appeal stands dismissed, confirming the order dated 18.12.2024 passed in M.C.O.P.No.99 of 2014 on the file of the Exclusive Motor Accident Claims Tribunal, Tirupur. No costs. Consequently, connected miscellaneous petition is also dismissed.

(N.S.K,J.) (M.J.R.,J.)
30.06.2026

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



CMA.No.1971 of 2



To

1. MACT Court, Tiruppur.

WEB COPY



WEB COPY

CMA.No.1971 of 2



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

JVM

**JUDGMENT
IN
CMA.No.1971 of 2026**

30.06.2026