



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

AND

THE HON'BLE MRS.JUSTICE N. MALA

CMA No. 2380 of 2025

&

CMP No. 10560 of 2026

The Branch Manager
SBI General Insurance Co Ltd. Ground and
Mezzanine Floor, Greams Dugar, New No. 64m,
Old No. 149 Greams Road, Chennai 006

..Appellant(s)

Vs

1. Uma @ Umavathi
2. Kanagam
3. Kaliyamoorthy
4. B.Jayalakshmi
5. K.Singaravel

..Respondent(s)

Prayer: This civil miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act 1988, to set aside the judgement and decree dated 30.10.2024 passed in MCOP.No.135 of 2023 on the file of MACT, Chief Judicial Magistrate Court, Thiruvarur.



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For Appellant(s):

Mr. P.Suresh Srinivasan

For Respondent(s):

M/s.M.Thamizhavel
R1 to R3No Appearance
R4**Judgment****(Judgment of the Court was delivered by P.T.Asha J.)**

The insurance company has challenged the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Thiruvarur in MCOP.NO.135 of 2023.

2. The brief facts are as follows. The parties are referred to in the same array as before the tribunal.

3. The claimants are the wife and parents of the deceased Kannan. It is the case of the petitioners that on 15.09.2022, at about 9.30 pm the said Kannan and his brother Murugesan were walking back home from Nannilam. When they reached the Kuppam bridge, the 1st respondent's tractor bearing registration No.TN 50 AK 0020, driven by the 3rd respondent came from the rear and dashed against the said Kannan, who died on the spot. The deceased Kannan was aged about 33 years and was working as an agricultural coolie and load man at



various places.

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4. The claimants had stated that the deceased Kannan was earning a monthly income of Rs.24,000/- which amount he had spent on the family members. Therefore, they claim a compensation of Rs.50,21,000/- and restricted the same to a sum of Rs.50,00,000/-.

5. The 1st respondent owner of the vehicle and the 2nd respondent insurance company denied the manner in which the accident had taken place. They had further contended that the claimants were not dependents of the deceased Kannan. The quantum of monthly income was also denied and the 2nd respondent sought to have the claim quashed.

6. Before the tribunal, the 3rd claimant and one Murugesan were examined as PW1 and PW2. Ex.P.1 to Ex.P.6 were marked on the side of the claimants. On the side of the respondents, one Sridevi and Ashok Kumar had adduced evidence and marked Ex.R1 to Ex.R4. Two Court documents, i.e., Ex.X1 and Ex.X2 were also marked.

7. On considering the evidence, the tribunal came to the conclusion that the accident had occurred only on account of rash and negligent driving of the 1st respondent's tractor by the 3rd respondent.



8. As regards quantum the tribunal had arrived at a notional income of Rs.6,500/-. Thereafter, applied the formula of cost of inflation index and arrived at a monthly income of Rs.16,678/-. Ultimately, the tribunal has awarded a sum of Rs.22,79,848/-.

9. Challenging the same, the insurance company is before this Court.

10. The appeal has been filed on the ground that the claimants had not proved the accident and that it was on account of rash and negligent driving by the 3rd respondent. They had also questioned the award on the ground that the tribunal had granted award on the basis of pay and recover.

11. The contention of the 2nd respondent insurance company is that by reason of the amendment to the Motor Vehicles Act, 1988, they are not liable to pay any sum to the deceased for the breach of specified conditions of the policy. Further, the notional income was on the higher side.

12. Heard the learned counsels on the either side and perused the records.

13. The policy was for the period from 08.03.2022 to 07.03.2023. The policy has been taken prior to the amendment. Therefore, the contention of the



2nd respondent that they are not eligible to pay and recover is totally misplaced.

The policy having been taken prior to the amendment, the 2nd respondent is liable to pay the compensation. Therefore, the contention of the learned counsel for the 2nd respondent has to be rejected. As regards the income the same is in tune with the settled principles and the judgements. Therefore, on this ground also the appeal has to fail.

14. Accordingly, this civil miscellaneous appeal is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

(P.T.A.,J.) (N.M.,J.)
13-08-2026

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

KAN



CMA No. 2380 of 2



To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court,
Thiruvavarur.



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**P.T.ASHA J.
AND
N.MALA J.**

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