



C.M.A.No.2448 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2026

Coram

**The Hon'ble Mr.Justice N.Sathish Kumar
and
The Hon'ble Mr. Justice M.Jothiraman**

C.M.A.No.2448 of 2026

and

C.M.P.No.18786 of 2026

The Manager,
Reliance General Insurance Co. Ltd
Policy Servicing Branch,
Reliance House, 6th Floor No.6
Haddows Road, Nungambakkam,
Chennai – 600 006.

..Appellant

Vs.

1. Evangeline Sugirthamani E.
2. R.Premkumari
3. C.Rani
4 M/s.Uma Blue Metals Crusher
Rep. By its Proprietor, M.Ranganathan

..Respondents

Prayer :-

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 04.03.2025 made in M.C.O.P.No.52 of 2022 on the file of the Motor Accident Claims Tribunal, II Judge, Court of Small Cause, Chennai.

For Appellant : Mr.Sai Srujan Tayi
For Respondents 1 to 3 : Mr.R.Navaneethakrishnan



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Judgment

(Judgement of the Court was made by **N.Sathish Kumar J.**)

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the judgment and decree dated 04.03.2025 made in M.C.O.P.No.52 of 2022 on the file of the Motor Accident Claims Tribunal, II Judge, Court of Small Cause, Chennai (for short, 'the Tribunal').

2. This is a case of fatal death. On 26th February, 2020 at about 02.45 hours, when the deceased (Raj Thilak) was returning home from Koovatur to Pavunjur via. Kandigai, East to West direction by a Share Auto, bearing Regn. No.TN-19-AF-0531, a vehicle, viz., Tipper Lorry, bearing Regn No.TN-19-T-1496, which came in the opposite direction from west to east in a very rash and negligent manner, dashed against the said Share Auto, and caused the accident, on account of which, the deceased sustained grievous multiple injuries and succumbed to death on 04.03.2020.

3. Regarding the said accident, an FIR was registered against the driver of the fourth respondent's vehicle in Crime No.49 of 2020, on the file



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of Anaicut Police Station, for offences under Sections 279, 337, 304(A) of the Indian Penal Code (**marked as Ex.P.1**).

4. The legal heirs of the deceased, viz., the mother, sister and wife have filed the Claim Petition, claiming a total compensation of Rs.80,00,000/- under various heads

5. The owner of the vehicle, viz., the fourth respondent herein remained ex parte before the Tribunal.

6. The Insurer resisted the claim by filing a counter statement, denying the manner, in which, the accident occurred as well as the quantum of compensation claimed and sought for dismissal of the claim.

7. Before the Tribunal, on behalf of the claimants, the first claimant, viz., mother of the deceased was examined as P.W.1 besides examining one other witness, by name Vasantha Kumar (Eye witness to the accident) and marked twelve documents as Exs.P.1 to P.12. None was examined on behalf of the Insurance Company, and no documents were exhibited either.



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8. The Tribunal, on appreciation of both oral and documentary evidence held that i) the accident occurred on account of rash and negligent driving of the driver of the first respondent's/fourth respondent's vehicle; that, ii) at the time of the accident, the vehicle was insured with the appellant/Insurance Company, therefore, as insurer of the offending vehicle, the appellant is liable to pay the compensation, and iii) the claimants, respondents 1 to 3 herein are entitled to the compensation and awarded compensation under different heads, the details of which has been furnished herein below in a tabulated column:-

Sl.No	Heads	Award
1	Loss of Dependency	Rs.27,79,840/-
2	Loss of Filial Consortium for the first petitioner	Rs.44,000/-
3	Loss of Spouse Consortium for the third petitioner	Rs.44, 000/-
4	Funeral Expenses	Rs.16,500/-
5	Loss of Estate	Rs.16,500/-
6	Medical Expenses	Rs.1,08,524/-

Total = Rs.30,09,500/-



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9. Aggrieved by the finding rendered by the Tribunal with regard to the liability fastened on the appellant as well as the quantum of compensation awarded by the Tribunal as excessive and exorbitant, the appellant, Insurer of the offending Vehicle has filed the present Appeal.

10. Mr.Sai Srujan Tayi, the learned counsel for the appellant/Insurance Company firstly contended that that the Claim Petition itself is not maintainable and liable to be dismissed, for the reason that the cause for the accident was stated to be due to hit by a Tipper Lorry against the Share-Auto, in which, the deceased was travelling, however, the driver of the Share-Auto and its insurer was not impleaded, hence, the Petition is bad for non-joinder of necessary parties. Secondly, it is contended that the fourth respondent's vehicle has no valid permit, and therefore, the appellant cannot be mulcted with any liability.

10.1 The learned counsel for the appellant further contended that the Tribunal while determining compensation towards 'Loss of Dependency' has



wrongly taken into account the sister of the deceased as dependent of the deceased, when she falls under class-II Legal, that too, when the dependency of the second respondent has not been substantially proved by respondents 1 to 3. Finally, the learned counsel contended that huge, unreasonable and exorbitant amount of compensation is awarded, and therefore, the award passed by the Tribunal both on the aspects of liability and quantum calls for interference.

11. Per contra, Mr.R.Navaneethakrishnan, learned counsel for the respondents 1 to 3/claimants would submit that the award passed by the Tribunal on the aspect of Liability and Quantum is just and reasonable and hence, the same may be confirmed.

12. We have heard Mr.Sai Srujan Tayi, the learned counsel for the appellant/Insurance Company and Mr.R.Navaneethakrishnan the learned counsel for the respondents 1 to 3/claimants and perused the entire materials available on record, particularly, the evidence of P.Ws.1 and 2. Since the Appeal is entertained and disposed of in its admission stage itself, notice to



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the respondent No.4, owner of the Vehicle is dispensed with, as has already been set ex parte before the Tribunal.

13. On perusal of the documents placed on record, we are unable to accept the contention of the learned counsel for the appellant/Insurance Company.

14. On a perusal of the award passed by the Tribunal, it is seen that the Tribunal, while determining the aspect to who is the cause for the accident, has taken into consideration Ex.P.1, FIR, wherein, the driver of the offending vehicle alone was cited as accused. Secondly, the Tribunal has taken note of the statement made by P.W.2, an eye witness to the accident who deposed that the accident occurred only due to the negligence of the driver of the Tipper Lorry, as he came in a rash manner and dashed against the Share Auto and in the absence of any contra-evidence, the Tribunal has rightly taken into consideration of aforesaid evidence both oral and documentary and came to the conclusion that it was only due to the negligent act of the fourth respondent's driver, the accident had occurred and Raj Thilak (since deceased) died. Therefore, the findings rendered by the



Tribunal that the driver of the fourth respondent's vehicle is the sole cause for the accident and the appellant, being the insurer of the fourth respondent's vehicle is liable to pay the compensation is correct and the same is upheld.

15. So far as the other contentions raised by the learned counsel for the appellant with regard to the quantum of compensation fixed by the Tribunal, particularly, under the head, Loss of Dependency, stating that the second respondent, viz., sister of the deceased does not fall under the category of Class-I legal heir, and hence, the Tribunal ought not to have determined the Loss of Dependency by including the sister of the deceased as one of the dependents is concerned, we would like to point out that the Tribunal only after considering the fact that the sister of the deceased's father had pre-deceased her, held that the second respondent is also dependent to her deceased brother. Further, the Tribunal considering the aspect that at the time of the accident, the deceased was aged about 30 years, as evidenced from Ex.P.5/Discharge Summary; his avocation as Camera Man, Professional Videographer and Part time Fine Arts Teacher in Subham



Vidhyalaya School, as per the ratio laid down by the **Hon'ble Division**

Bench of this Court in **Andal Vs. Avinav Kannan**, taken the monthly income of the deceased at Rs.14,562/- and by adding 40% towards his future prospects, fixing the notional monthly income of the deceased at Rs.20,440/- per month and by adopting the multiplier '17', determined the compensation at Rs.27,79,840/- under the head 'Loss of Dependency' and the same is not excessive. Similarly, the award passed by the Tribunal under other heads is also sustainable and the same is hereby confirmed.

17. Therefore, we are not inclined to entertain this Appeal.

18. Accordingly this Civil Miscellaneous Appeal is dismissed. The appellant/Insurance Company is directed to deposit the entire compensation awarded by the Tribunal along with interest and costs before the Tribunal within a period of four weeks from the date of receipt of a copy of this judgment, after deducting the amount already deposited, if any. The interest awarded by the Tribunal at the rate of 7.5% per annum is unaltered. As and when such deposit is made, claimants are permitted to withdraw the award



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amount, as apportioned by the Claims Tribunal, less than the amount already withdrawn, if any, by filing an application before the Tribunal, which shall be entertained by the Tribunal and the Tribunal is directed to release the amount by way of issuing cheques to the respondents 1 to 3/claimants. There shall be no order, as to costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.K.J.) (M.J.R.J.)
06.08.2026

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Index : yes/no

Neutral Citation : yes/no

To

The II Judge,

Court of Small Cause,

Motor Accident Claims Tribunal, Chennai.



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**N.Sathish Kumar,J
&
M.Jothiraman,J.,**

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