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C.M.A.No.1980 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

C.M.A.No.1980 of 2026

and

C.M.P.No.15495 of 2026

The Branch Manager,
Reliance General Insurance Company Ltd.,
Vivyn Plaza, No.89, 1st Floor,
100 Feet road, Mudaliarpur, Puducherry.

... Appellant

Vs.

1.Vallattalle
2.Gomathi
3.Kayalvizhi
4.T.Marudha Perumal

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal, III Additional District Judge, Puducherry, in M.C.O.P.No.13 of 2022, dated 22.04.2025.



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For Appellant : Mr.P.Suresh Srinivasan

For R1 to R3 : Mr.R.Sreedhar

J U D G M E N T

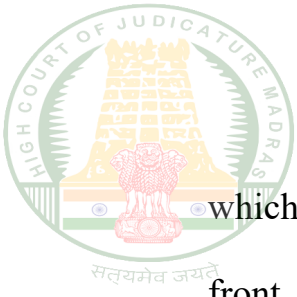
(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the Award of the Motor Accident Claims Tribunal (III Additional District Court), Puducherry, (hereinafter referred to as “the Tribunal” for brevity) in M.A.C.T.O.P.No.13 of 2022, dated 22.04.2025, awarding compensation of Rs.45,33,321/- to the respondents 1 to 3/claimants, the present Appeal has been filed by the Insurance Company.

2.Brief facts of the case are as follows :

On 15.04.2019, at about 08.45 hours, when the deceased Nagalingam was proceeding in his motorcycle bearing Registration No.PY-01-BZ-0349 at Bussy Street, Puducherry, from East to West direction, near Bharathi Street, a Suzuki Access motorcycle bearing Registration No.PY-01-CK-1328 (offending vehicle), owned by the 4th respondent and insured with the appellant Insurance Company, came in the opposite direction from West to East in a very rash and negligent manner and dashed against a motorcycle

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which came from North to South direction and further dashed against the front side of the motorcycle of the deceased. Due to the impact, the deceased was thrown away and he sustained grievous injuries on his right leg (tibia and fibula). A case in Crime No.53 of 2019 came to be registered by the Traffic Police, Puducherry, in this regard. The injured was taken to the hospital and thereafter, he was discharged. Later, on 11.05.2019, he suffered chest pain and was admitted in Dr.Nallam Clinic, Puducherry, where he died between 15.30 hours and 17.00 hours. From the final opinion obtained from the JIPMER Hospital as to the cause of death, it was found that the death was due to pulmonary thromboembolism in case of fractures of right tibia and fibula, which led to blood clots leading to death. Therefore, the respondents 1 to 3, the legal heirs of Nagalingam, claiming that the death of the deceased was due to the accident, filed a claim petition before the Tribunal in M.A.C.T.O.P.No.13 of 2022, claiming a total compensation of Rs.1,01,00,000/-.

3.The 4th respondent/owner of the offending vehicle remained *ex parte* before the Tribunal.



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4.The appellant/Insurer of the offending vehicle contested the case before the Tribunal. It was their stand that there is no subsisting insurance policy in respect of the offending vehicle bearing Registration No.PY-01-CK-1328 at the time of accident. Besides, the driver of the offending vehicle did not possess a valid driving licence. Further, according to the appellant Insurance Company, the deceased drove his two wheeler without wearing a helmet with high speed in a rash and negligent manner and fell down and sustained injuries. Further, the appellant Insurance Company also contended that the death of the deceased was a natural death and cannot be connected with the accident.

5.Before the Tribunal, on the side of the claimants, P.W.1 to P.W.4 were examined and Exs.P1 to P24 marked. On the side of the respondents, R.W.1 and R.W.2 were examined and no document marked. Exs.X1 to X4 were marked as Court exhibits.

6.The Tribunal, on appreciation of evidence and materials available on record, by its judgment and decree dated 22.04.2025, found that the accident



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was due to the rash and negligence of the driver of the offending vehicle bearing Registration No.PY-01-CK-1328. Further, the Tribunal has found that there is a nexus between the accident and the death. The evidence of P.W.4 (Medical Officer) has been relied upon in this regard. Further, taking note of the fact that the deceased was a Government servant working as Junior Clerk in the District Court, Puduchery, the Tribunal took note of the salary drawn by the deceased, viz., Rs.44,040/- per month. Thereafter, the Tribunal, taking note of the age of the deceased, has added the future prospects @ 10% as per the decision of the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi and others* reported in **2017 (2) TNMAC 609**. Further, after deducting 1/3rd towards personal expenses, the annual income was arrived at Rs.3,87,552/-. The Tribunal has taken the multiplier of 11 as per the decision of the Hon'ble Supreme Court in *Sarala Verma v. Delhi Transport Corporation* reported in **AIR 2009 SC 3104** and has accordingly, arrived at loss of dependency at Rs.42,63,072/-. The Tribunal has awarded further amounts under various other heads as follows :

<i>Head</i>	<i>Amount awarded by the Tribunal</i>
Loss of Dependency	Rs.42,63,072/-



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Funeral Expenses	Rs.18,150/-
Loss of Estate	Rs.18,150/-
Loss of consortium	Rs.48,000/-
Loss of love and affection	Rs.80,000/-
Medical bills	Rs.1,04,949/-
Loss of cloths and others	Rs.1,000/-
Total Compensation	Rs.45,33,321/-

7. Accordingly, the Tribunal has awarded a total compensation of Rs.45,33,321/- payable by the appellant/Insurer of the offending vehicle along with interest at the rate of 7.5% p.a. from the date of claim petition till the date of realisation.

8. Challenging the negligence aspect and the quantum awarded by the Tribunal, the Insurer of the offending vehicle has filed the present Appeal.

9. The main contention of the learned counsel for the appellant Insurance Company is that the deceased drove his two wheeler in a rash and negligent manner, however, the Tribunal has failed to fix any contributory negligence on the part of the deceased. Further, the learned counsel contended that the amounts awarded towards funeral expenses, loss of

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consortium and loss of estate are on the higher side. Hence, he prayed for interference.

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10. Whereas, the learned counsel appearing for the respondents 1 to 3/claimants would submit that there is no evidence on record to prove the contributory negligence as alleged by the appellant. Further, he would submit that the amounts awarded by the Tribunal are just and proper and therefore, prayed for dismissal of this Appeal.

11. Heard the learned counsel on either side and perused the entire materials available on record.

12. The only ground urged by the appellant before this Court is that the Tribunal has not taken note of the contributory negligence on the part of the deceased. Similarly, the quantum is also excessive. As far the first contention with regard to contributory negligence is concerned, except pleading that the deceased himself drove the vehicle in a rash and negligent manner in a high speed, there is no evidence, whatsoever, on the side of the respondents before the Tribunal to prove the contributory negligence. Once



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the Insurance Company takes a plea of contributory negligence, it is for them to establish the same. Mere pleadings and general allegations would not be sufficient to hold that the deceased has contributed to the accident. P.W.2 (eye-witness) has clearly supported the case of the claimants and he has clearly spoken about the rash and negligent driving of the offending vehicle owned by the 4th respondent. Hence, we are of the view that the plea of contributory negligence has no legs to stand.

13.As far as the quantum is concerned, the learned counsel would contend that the Tribunal ought to have awarded Rs.15,000/- each towards funeral expenses and loss of estate and Rs.40,000/- towards loss of consortium, however, the Tribunal has awarded higher amounts which is more than the permissible limit. On a perusal, this Court finds that the excess amount awarded by the Tribunal is only around Rs.14,000/-. Hence, this Court is of the view that the appellant Insurance Company ought not to have filed an Appeal challenging a small quantum of Rs.14,000/-. Hence, we do not find any merit in this Appeal and we are not inclined to interfere with the award of the Tribunal.



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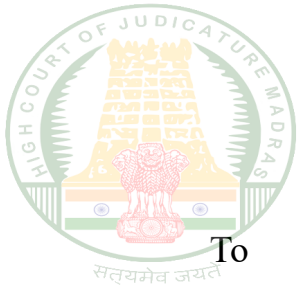
14. Accordingly, this Civil Miscellaneous Appeal is dismissed and the impugned award of the Tribunal is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

15. The appellant Insurance Company is directed to deposit the entire award amount, less any amount already deposited, before the Tribunal, within a period of two months from the date of this order.

(N.S.K., J.) (M.J.R., J.)
01.07.2026

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Internet : Yes
Index : Yes / No
Speaking Order
Neutral Citation : Yes



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To

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- 1.The Motor Accident Claims Tribunal
(III Additional District Court),
Puducherry.
- 2.The Branch Manager,
Reliance General Insurance Company Ltd.,
Vivyn Plaza, No.89, 1st Floor,
100 Feet road, Mudaliarpeta, Puducherry.
- 3.The Section Officer,
VR Section,
High Court, Madras.



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and
M. JOTHIRAMAN, J.

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