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CMA No. 2294 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2294 of 2026

AND

CMP NO. 17612 OF 2026

The Divisional Manager
Reliance General Insurance Co.Ltd.,
Plot No.2054, 2nd Floor,
Rajis Towers,
Second Avenue, Anna Nagar,
Chennai.

..Appellant(s)

Vs

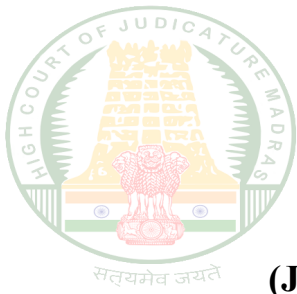
1. T. Sugumar
2. S. Malathi
3. S. Raja
4. M. Sivakumar

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and Decree dated 25.04.2019 made in MCOP No.345 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge (MCOP), Tiruvannamalai.

For Appellant(s): Mr.S.Arunkumar

For Respondent(s): Mr.K.Govi Ganesan
for R1 to R3



JUDGMENT

(Judgment of the Court was delivered by N.Sathish Kumar J.)

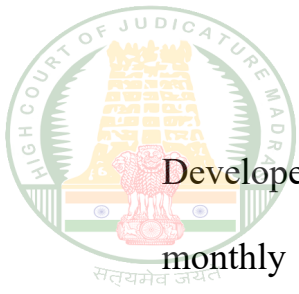
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Challenging the judgment and decree of the Motor Accident Claims Tribunal (Special Sub Court), Tiruvannamalai, (hereinafter referred to as “the Tribunal” for brevity), dated 25.04.2019, in M.C.O.P.No.345 of 2018, the Insurer of the vehicle has filed the present Appeal.

2.Brief facts of the case are as follows :

On 19.11.2014 at about 04.30 hours, when the deceased S.Arjun was travelling along with his colleagues after leaving his office in TATA Sumo Victa vehicle bearing Registration No.TN-20-BJ-1131, belonging to the 4th respondent and insured with the appellant Insurance Company, in GST Road, Pallavaram near Megalaya Hotel, the driver of the vehicle drove the vehicle in a rash and negligent manner and dashed against a tree and the vehicle capsized on the side of the road. Thereby, the deceased sustained fatal injuries and died on the spot. A case in Crime No.815 of 2014 came to be registered in this regard by the Chromepet Traffic Investigation Wing, Chromepet.

3.The parents and the elder brother of the deceased filed a claim petition in M.C.O.P.No.345 of 2018 before the Tribunal, contending that the deceased was only 23 years at the time of accident and he was employed as Web



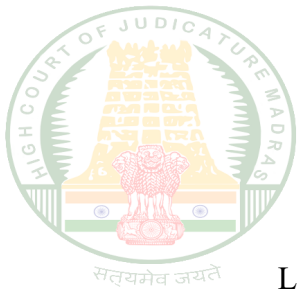
Developer in XERAGO Company at Chetpet, Chennai and was earning a monthly salary of Rs.19,172/-. They claimed a total compensation of Rs.1,00,00,000/- under various heads.

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

5.The appellant/insurer of the vehicle contested the case before the Tribunal, disputing the age, occupation and income of the deceased. Besides, they contended that there was no valid policy existing in respect of the vehicle at the time of the accident. Hence, they opposed the claim.

6.On the side of the claimants, P.W.1 to P.W.3 were examined and Exs.P1 to P10 were marked. On the side of the respondents before the Tribunal, R.W.1 and R.W.2 were examined and Exs.R1 to R4 were marked.

7.Based on the evidence and materials on record, the Tribunal, by its Award dated 25.04.2019, found that the accident was due to the rash and negligence of the driver of the TATA Sumo Victa Vehicle. Therefore, the Tribunal awarded a total compensation of Rs.30,33,720/- under the following heads along with interest at the rate of 7.5% p.a. from the date of claim petition :

**Heads****Amount awarded by the
Tribunal**

Loss of Income

Rs.28,98,720/-

Loss of Estate

Rs.15,000/-

Funeral Expenses of Tr.Arjun

Rs.15,000/-

Loss of Love and Affection of the
petitioners 1 and 2 at the rate of
Rs.40,000/- each

Rs.80,000/-

Loss of love and affection of the 3rd
petitioner

Rs.25,000/-

Total Compensation**Rs.30,33,720/-**

8.Challenging the quantum of the compensation awarded by the Tribunal,
the insurer of the vehicle has filed the present Appeal.

9.Learned counsel for the appellant Insurance Company would mainly
contend that the Tribunal has taken the gross salary of the deceased as
Rs.19,172/- whereas, it has omitted to take into consideration the Bank
statement of the deceased, which indicates that the amount that was credited to
the deceased's account was only Rs.17,189/-. Therefore, according to him, the
Tribunal ought not to have taken the gross salary for calculating the loss of
income.

10.Whereas, the learned counsel for the respondents 1 to 3/claimants
would submit that the Tribunal has properly appreciated the evidence and has



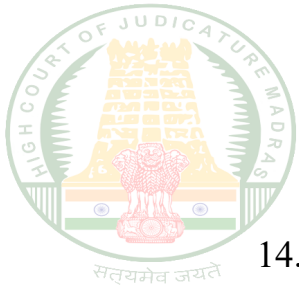
passed a just and reasonable Award, which requires no interference and hence, prayed for dismissal of the Appeal.

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

12. The challenge in this Appeal is only with regard to the quantum of the amount awarded by the Tribunal. There is no dispute with regard to the accident and the existence of the policy at the time of accident.

13. The fact that the deceased was an MBA Graduate and he was working as Web Developer at the relevant point of time, is not in dispute. Ex.P4 (pay slip of the deceased) has been filed, which clearly shows that the deceased was earning a monthly gross salary of Rs.19,172/-. Merely because some amount has been deducted and a lesser amount was credited into the bank account, that cannot be a ground to hold that the deceased was not drawing a salary of Rs.19,172/-. The deceased was an MBA Graduate. The accident took place in the year 2014. A Post Graduate working as a Web Developer in a Company in the year 2014, drawing a monthly salary of Rs.19,172/-, in our view, is reasonable. Therefore, we do not find any merit in the contention raised by the appellant.



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

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

(N.S.K.,J.) (M.J.R.,J.)
22-07-2026

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

MKN

To

1. The Motor Accident Claims Tribunal
(Special Sub Court),
Tiruvannamalai.

2. The Section Officer,
VR Section,
High Court, Madras.



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

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