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C.M.A.Nos.2477 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.Nos.2477 of 2026

&

C.M.P.No.19066 of 2026

The Divisional Manager
Oriental Insurance Company Limited
No.32/13, Vijayalakshmi Complex
Phase II, Sathuvacheri, Vellore

..Appellant

Vs.

1.Lalitha
W/o.(Late) Prabakaran

2.Minor Agilan
S/o.(Late) Prabakaran

3. Minor Prathik
S/o.(Late) Prabakaran

4.Kumutha
W/o.Theerthagiri

5. Theerthagiri
S/o.Rajangam

6. Sanjiv Kumar
S/o.Ayyanna Chetty

..Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against
the award passed in M.C.O.P.No.130 of 2024 dated 05.06.2025 on the file of



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

For Appellant(s): Mr.J.Chandran

For Respondent(s): Mr.A.G.F.Terry Chella Raja
for R1 to R5

JUDGMENT

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

This appeal has been filed by the Insurance Company challenging the award passed in M.C.O.P.No.130 of 2024 dated 05.06.2025 by the Motor Accident Claims Tribunal (Special Sub Court), Tiruvannamalai.

2. The parties are referred to by their respective ranks before the Tribunal.

3. It is the case of the claimants that on 22.09.2023 at about 12.10 p.m. when the deceased was going in a Hero Honda Splender Plus two wheeler bearing Registration No.TN 28 BW 5806 from Thellar towards Kilpennathur through Avalurpettai on the left extreme of the Tiruvannanmalai to Tindivanam road, a car bearing Registration No.UK 19 5430 driven by its driver in a rash and negligent manner from west to east direction hit the two wheeler of the deceased, as a result of which the deceased sustained injuries on the head and all over the body and despite treatment, he died. Hence, the wife, minor children and parents of the deceased have filed the claim petition.

3. The first respondent remained *ex parte* before the Tribunal. The second respondent Insurance Company/appellant resisted the claim by filing a counter



affidavit stating that their liability is subject to the validity of the Driving Licence of the Driver, R.C., permit and insurance coverage of the offending vehicle. It is further stated that the driver of the car belonging to the first respondent drove the car in a slow and cautious manner, at that time the deceased drove the two wheeler rash and negligent manner and suddenly crossed the road and caused the accident and hence, the second respondent is not liable to pay the compensation.

4. Before the Tribunal, on the side of the claimants, PWs 1 and 2 were examined and Exs.P1 to P13 were marked and on the side of the respondents, no oral and documentary evidence were adduced.

5. The Tribunal, on appreciation of oral and documentary evidence, came to the conclusion that only the driver of the offending vehicle drew the vehicle in a rash and negligent manner. The Tribunal, taking into consideration the avocation of the deceased, by applying the multiplier and adding future prospects as per the dictum laid down in *National Insurance Company Vs. Pranay Sethi and Others*, awarded the compensation as follows:

Sl.No.	Heads	Amount (Rs.)
1	Loss of Income	Rs.63,91,872/-
2	Loss of Consortium	Rs.2,42,000/-
3	Loss of Estate	Rs.18,150/-
4	Funeral Expenses	Rs.18,150/-
	Total	Rs.66,70,172/-



6. Contending that the accident had occurred only due to negligence on the part of the deceased as he was riding the motorcycle in a negligent manner, the second respondent Insurance Company/appellant is before this Court with the present appeal.

7. The learned counsel for the second respondent Insurance Company/appellant submitted the Tribunal has just relied on the salary certificate of the deceased and awarded the compensation. According to the learned counsel, the authenticity of the document has to be proved by examining the author of the document.

8. We have considered the submissions and perused the entire materials placed before us.

9. Admittedly, the deceased was a Government servant and he was working as a Village Administrative Officer and his Salary slip has been marked as Ex.P11. If a Government employee dies, the proper document to prove his salary would be Salary Certificate. The second respondent Insurance Company/appellant has not produced any other document to disprove the same. The second respondent Insurance Company/appellant could have very well examined an Official from the Office of the District Collector to establish the same, but no one was examined. That apart, to say that the deceased contributed to the accident, absolutely no evidence was produced on the side of the second respondent Insurance Company/appellant. Hence, we are of the view that the Tribunal had rightly taken into account, salary slip of the deceased and



added 50% towards future prospects as per the dictum laid down in *National Insurance Company Limited Vs. Pranay Sethi and Others* reported in 2017(2)

TNMAC 609 (SC) and by making necessary deductions awarded the compensation. Therefore, we are of the view that the award passed by the Tribunal does not require any interference and the appeal is liable to be dismissed.

Accordingly, this Civil Miscellaneous Appeal is dismissed. The second respondent Insurance Company/appellant is directed to deposit the compensation amount with accrued interest and costs within a period of four weeks from the date of receipt of a copy of this Court. No costs. Consequently the connected miscellaneous petition is closed.

gpa

(N.S.K.,J.) (M.J.R.,J.)
07.08.2026



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

gpa

To

1. The Motor Accident Claims Tribunal
(Special Sub-Court), Tiruvannamalai
2. The Section Officer
VR Section
Madras High Court

C.M.A.Nos.2477 of 2026

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