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CMA.Nos.327 & 595 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal Nos.327 & 595 of 2026
& CMP.No.6768 of 2026

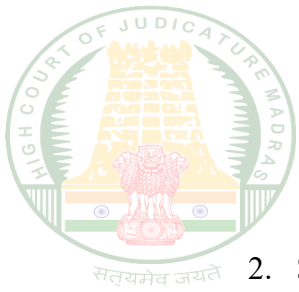
CMA.No.327 of 2026 :

1. Soundhari,
W/o.Late Krishnamoorthy,
Residing at No.11-153,
Tharamaraja Koil Street,
Kilpauk, Chennai 600 010.
2. Sangeetha
D/o.Late Krishnamoorthy,
Residing at No.11-153,
Tharamaraja Koil Street,
Kilpauk, Chennai 600 010.
3. Logeshwari
Residing at No.11-153,
Tharamaraja Koil Street,
Kilpauk, Chennai 600 010.

...Appellants

Vs

1. Sellapandian,
S/o.Mahalingam,
No.13, 4th Street,
Ashatalakshmi Nagar,
Velachery, Chennai-600 042.



WEB COPY



CMA.Nos.327 & 595 of 2026

2. Shriram General Insurance Co.Ltd.,
No.5 Ramachandran Street,
Saravanan Nagar, Seevaram,
Perungudi, Chennai-600 096.

...Respondents

CMA No.595 of 2026 :

Shriram General Insurance Company
Limited, No.5, Ramachandran Street,
Saravanan Nagar, Seevaram,
Perungudi, Chennai-600 096.

...Appellant

Vs

1. Soundhari,
W/o.Late Krishnamoorthy,
Residing at No.11-153,
Tharamaraja Kovil Street,
Kilpauk, Chennai -600 010.
2. Sangeetha,
D/o.Late Krishnamoorthy,
Residing at No.11-153,
Tharamaraja Kovil street,
Kilpauk, Chennai -600 010.
3. Logeshwari,
D/o.Late Krishnamoorthy,
Residing at No.11-153,
Tharamaraja Kovil street,
Kilpauk, Chennai -600 010.
4. Sellapandian,
S/o.Mahalingam,
No.13, 4th Street,
Ashtalakshmi Nagar,
Velacherry, Chennai-600 042.

...Respondents



CMA.Nos.327 & 595 of 2026

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APPEALS under Section 173 of the Motor Vehicles Act, 1988
against the award dated 13.8.2025 made in MCOP.No.3749 of 2023
on the file of Motor Accident Claims Tribunal/V Court of Small
Causes, Chennai.

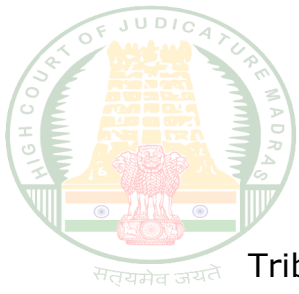
For Appellant in
CMA.No.327 of 2026
& R1 to R3 in
CMA.No.595 of 2026 : Mrs.A.Subadra

For R2 in
CMA.No.327 of 2026
& Appellant in
CMA.No.595 of 2026: Mr.S.Dhakshnamoorthy

R1 in CMA.No.327 of 2026
& R4 in CMA.No.595 of 2026
was set ex parte before the
Tribunal below & the notice sent to him
in CMA.No.595 of 2026 was returned
with the endorsement 'no such
person'.

COMMON JUDGMENT

These appeals have been filed by both the claimants as well as
the Insurance Company against the award dated 13.8.2025 in
MCOP.No.3749 of 2023 on the file of the Motor Accidents Claims



CMA.Nos.327 & 595 of 2026

WEB COPY

Tribunal/V Court of Small Causes, Chennai (for short, the Tribunal below).

2. Heard the learned counsel appearing for both the claimants as well as the Insurance Company.

3. The first claimant is the wife; and claimants 2 and 3 are the daughters of one Mr.Krishnamoorthy (since deceased).

4. The case of the claimants is as follows:

(i) On 14.6.2023, the said Mr.Krishnamoorthy was walking in New Avadi Road and at about 8.30 PM, when he was near the junction of Dhamodhara Moorthy Street, Kilpauk, the offending vehicle - a car, which was driven in a rash and negligent manner, dashed against him, as a result of which, he sustained fatal injuries and later succumbed to the injuries on 20.6.2023. It was under those circumstances, the claim petition came to be filed before the Tribunal below. The owner and the insurer of the vehicle were impleaded as party respondents before the Tribunal below.



CMA.Nos.327 & 595 of 2026

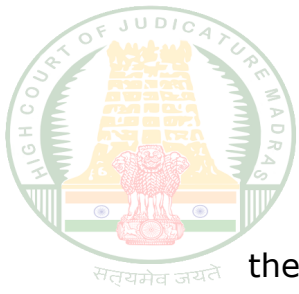
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(ii) On considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, the Tribunal below came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. The Tribunal below further found that the driver of the offending vehicle did not possess a valid driving licence. Hence, the Tribunal below invoked the principle of pay and recovery and directed the Insurance Company to pay the total compensation to the claimants and recover the same from the owner of the vehicle.

(iii) Having rendered the above finding, the Tribunal below fixed the total compensation at Rs.6,30,000/- under the following heads:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of dependency</i>	<i>Rs.4,80,000/-</i>
2	<i>Loss of consortium</i>	<i>Rs.1,20,000/-</i>
3	<i>Loss of estate</i>	<i>Rs. 15,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
5	<i>Medical bills</i>	<i>----</i>
	<i>Total</i>	<i>Rs.6,30,000/-</i>

(iv) The above total compensation fixed by the Tribunal below was directed to be paid by the Insurance Company with interest at



CMA.Nos.327 & 595 of 2026

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the rate of 7.5% per annum from the date of petition till the date of payment with a further direction to the Insurance Company to recover the amount from the owner of the vehicle. Aggrieved by that, the claimants have filed CMA.No.327 of 2026 seeking for enhancement of compensation. Later, the Insurance Company has filed CMA.No.595 of 2026 on the ground that the principle of pay and recovery should not have been invoked since the accident had taken place post the amendment of the year 2022.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

6. In so far as the ground raised by the Insurance Company questioning the finding of the Tribunal below with regard to pay and recovery is concerned, the issue is squarely covered by the judgment rendered by me while speaking for the Bench in the case of ***Branch Manager, ICICI Lombard General Insurance Company Ltd., Thanjavur Vs. Mariyapushpam [reported in***



CMA.Nos.327 & 595 of 2026

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2026 (3) MLJ 924]. Hence, the award passed by the Tribunal below in this regard does not warrant the interference of this Court.

7. In so far as the appeal filed by the claimants is concerned, it is seen that the deceased was aged about 74 years at the time of accident and that he had left behind his wife and two children. The wife was dependant on the income of the husband. The accident had taken place in the year 2023. The Tribunal below fixed the notional monthly income at Rs.12,000/-, which is on the lower side. Considering the fact that the accident occurred in the year 2023 and the wife, who was the dependant, was aged 64 years at the time of accident, this Court is inclined to fix the notional monthly income at Rs.15,000/- per month. Therefore, the loss of income would be arrived at Rs.15,000/- and after deducting 1/3rd towards personal expenses, the balance would be Rs.10,000/-. Accordingly, compensation under the head 'loss of dependency' is calculated as follows:

"Rs.10,000/- X 12 X 5 = Rs.6,00,000/-."



CMA.Nos.327 & 595 of 2026

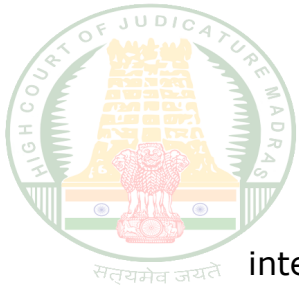
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8. This Court is also of the view that the compensation fixed under the other heads is just and fair and does not warrant the interference of this Court.

9. In the light of the above discussions, CMA.No.327 of 2026 is partly allowed and CMA.No.595 of 2026 is dismissed. The award dated 13.8.2025 made in MCOP.No.3749 of 2023 on the file of the Tribunal below is modified as follows:

<i>S.No</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded by this Court in this appeal</i>
1	Loss of dependency	Rs.4,80,000/-	Rs.6,00,000/-
2	Loss of consortium	Rs.1,20,000/-	Rs.1,20,000/-
3	Loss of estate	Rs. 15,000/-	Rs. 15,000/-
4	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
5	Medical bills	----	----
	Total	Rs.6,30,000/-	Rs.7,50,000/-

While entertaining CMA.No.595 of 2026 filed by the Insurance Company, this Court granted a conditional order of interim stay on 18.3.2026 in CMP.No.6768 of 2026 subject to deposit of 75% of the award amount with proportionate interest. It is made clear that the said sum of Rs.7,50,000/- **less the amount already deposited** shall be deposited by the Insurance Company together with accrued



CMA.Nos.327 & 595 of 2026

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interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of a copy of this judgment. It goes without saying that the finding of the Tribunal below with regard to pay and recovery is sustained. No costs. Consequently, the connected CMP is also dismissed.

09-07-2026

To
The Motor Accident Claims Tribunal/
V Court of Small Causes, Chennai.

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CMA.Nos.327 & 595 of 2026

N.ANAND VENKATESH,J

RS

**CMA.Nos.327 & 595 of 2026
& CMP No.6768 of 2026**

09-07-2026

Page10 of 10