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CMA No.4246/2019
CMA Nos.1221, 1224 & 1228/2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 4246 of 2019

and

CMA Nos.1221, 1224 & 1228 of 2021

and

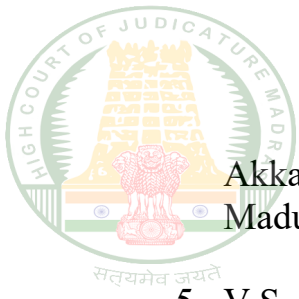
CMP Nos. 6194, 6203 & 6210 of 2021

1. Manjula,
W/o. Paulraj
2. Minor. Vibinu,
Rep. by Natural Guardian and Mother Manjula,
3. Minor. Ramprasad
Rep. by Natural Guardian and Mother Manjula,
No.2/310, MGR Nagar, D.S.P.Nagar,
T.Manarai, Tirupur Taluk and District.
All are residing at No.181, Kaveri Road,
Karungalpalayam, Erode District.

..Appellant(s)

Vs

1. Chellamani
S/o. Ramasamy
No.376, N.No.360, Tagore Nagar, Thirupalai,
Madurai Taluk and District.
2. United India Ins. Co. Ltd.,
Rep. by its Manager, Having its Registered
Office at No.139, CG Complex, III Floor,
Kumaran Road, Coimbatore – 641 601.
3. Tamil Nadu State Transport Corporation
Madurai, Rep by its General Manager, Having
Registered Office at Bye Pass Road, Madurai.
4. Kathiresan,
S/o. Balagurusamy,



Akkaraipatti, Peraiyur Taluk,
Madurai District.

5. V.S. Murugan
S/o. Sankaralingam,
No.1/1053e/power line 2nd Street,
Nerupperichal, Tiruppur.
6. Royal Sundaram Alliance Ins.Co.Ltd.,
Rep. by its Manager, Having its Registered
Office At Sundaram Towers, No.46, Whites
Road, Royapettah, Chennai.
7. Viji
M/o. Late. Paulraj,
No.2/310, MGR Nagar, D.S.P.Nagar,
T.Manarai, Tirupur Taluk and District.
8. Minor. Vidhya
D/o. Late. Paulraj, Rep. by Guardian Mother
Viji, No.2/310, MGR Nagar, DSP Nagar, T.
Manarai, Tirupur Taluk and District.
9. Chandran
S/o. Soundarajan, No.2/310, MGR Nagar,
DSP Nagar, T. Manarai, Tirupur Taluk and
District.

..Respondent(s)

CMA No. 1228 of 2021

Royal Sundaram Alliance Insurance Co Ltd
Rep. by its Manager, Having its Regd, Office At
Sundaram Towers, No.46, Whites Road,
Royapettah, Chennai - 600014.

..Appellant(s)

Vs

1. Manjula
W/o.Late Paulraj, Resi At No.2/310 Mgr
Nagar, DSP Nagar, T Mannarai, Tiruppur
Taluk and District, Presently Resi at No.181,
Kaveri Road, Karungalpalayam, Erode District.



2. Vibinu (minor)
D/o.Late Paulraj, Resi At No.2/310 MGR
Nagar, DSP Nagar, T Mannarai, Tiruppur
Taluk and District, Presently Res At No.181,
Kaveri Road, Karungalpalayam, Erode
District. (respondents 2 And 3 Minors Rep. By
Mother And NF 1st Respondent)
3. Ramprasad (minor)
S/o.Late Paulraj, Resi At No.2/310 MGR
Nagar, DSP Nagar, T Mannarai, Tiruppur
Taluk And District, Presently Resi At No.181,
Kaveri Road, Karungalpalayam, Erode
District. (respondents 2 And 3 Minors Rept By
Mother And NF 1st Respondent)
4. Viji
W/o.Chandran And M/o.Late Paulraj,
Respondents 4 To 6 are Resi At No.2/310,
MGR Nagar, DSP Nagar, T.Mannarai,
Tiruppur.
5. Vidhya (minor)
S/o Late Paulraj, Respondents 4 to 6 are Resi
At No.2/310, MGR Nagar, DSP Nagar,
T.Mannarai, Tiruppur. 5th Respondent Minor
Rept by Mother And NF 4th Respondent)
6. Chandran
S/o.Soundarajan, Respondents 4 To 6 Are Resi
At No.2/310, MGR Nagar, DSP Nagar,
T.Mannarai, Tiruppur.
7. Chellamani
S/o.Ramasamy, Old No.376, New No.360
Tagore Nagar, Thirupalai, Madurai Tk And
District.
8. M/s.United India Insurance Co Ltd
Rep. By Its Manager, Having Its Registered
Office At 139, C G Complex, III Floor,
Kumaran Road, Coimbatore 641601.



9. TNSTC Madurai
Rept By Its General Manager, Having Regd
Office At Bye Pass Road, Madurai.

10. Kathiresan
S/o. Balagurusamy, Akkaraipatti, Periyur
Taluk, Madurai District.

11. V.S. Murugan
S/o. Sankaralingam, No.1/1053-e, Power line,
2nd Street, Neruperichal, Tirupur 641602.

12. V. Mahalakshmi
W/o. Late S. Venkatesan, Both Are Resi At
D No.2/323, DSP Nagar, MGR Colony,
T. Mannarai, Tiruppur.

13. V. Ramakrishnan (minor)
S/o. Late S. Venkatesan, Both Are Resi At
D No.2/323, DSP Nagar, MGR Colony,
T. Mannarai, Tiruppur. 13th Respondent Minor
Rept By Mother And NF 12th Respondent.

..Respondent(s)

CMA No. 1224 of 2021

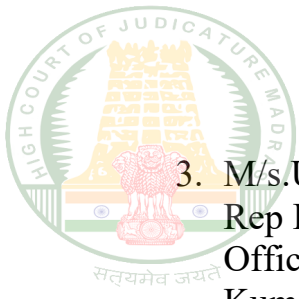
Royal Sundaram Alliance Insurance Company Ltd,
Rep By Its Manager, Having its Regd Office At
Sundaram Towers, No.46, Whites Road,
Royapettah, Chennai-600 014.

..Appellant(s)

Vs

1. Viji
W/o. Chandran, No.2/310, M.G.R. Nagar,
D.S.P. Nagar, T. Manarai, Tiruppur Taluk And
District. Presently Residing At No.181, Kaveri
Road, Karungalpalayam, Erode District.

2. Chellamani,
S/o. Ramasamy, Old No.376, New No.360,
Tagore Nagar, Thirupalai, Madurai Taluk And
District.



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3. M/s.United India Insurance Company Ltd,
Rep By Its Manager, Having Its Registered
Office At, 139, C.G.Complex, III Floor,
Kumaran Road, Coimbatore-641 601.
4. TNSTC Madurai,
Rep By Its General Manager, Having Regd
Office At Bye Pass Road, Madurai District.
5. Kathiresan
S/o. Balagurusamy, Akkaraipatti, Peraiyur
Taluk, Madurai District.
6. V.S.Murugan
S/o. Sankaralingam, No.1/1053-e, Powerline,
2nd Street, Neruperichal, Tirupur-641 602.
7. V. Mahalakshmi
W/o. Late S.Venkatesan, D.No.2/323,
D.S.P.Nagar, M.G.R.Colony, T.Mannarai,
Tiruppur.
8. V. Ramakrishnan (minor)
S/o. Late S. Venkatesan, D.No.2/323,
D.S.P.Nagar, M.G.R.Colony, T.Mannarai,
Tiruppur.

..Respondent(s)

CMA No. 1221 of 2021

Royal Sundaram Alliance Insurance Company
Limited,
Rep. by its Manager, Having Its Regd. Office At
Sundaram Towers, No.46, Whites Road,
Royapettah, Chennai 600 014.

..Appellant(s)

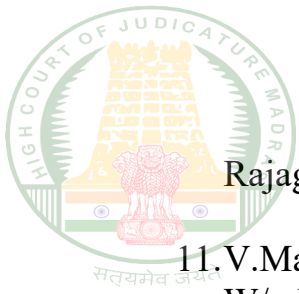
Vs

1. N.Veeranagalakshmi
W/o.Nagamuthu, and Daughter of
Ranganayagi, Old No.31, New No.31,
Valavikara Street, Periyakulam 625 601,
Theni District.



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2. V.Meena
W/o.Velusamy, And Daughter of Ranganayagi,
Old No.7, New No.31, Sudhanthira Street,
Periyakulam 625 601, Theni District.
3. K.Muthuraj
S/o.Krishnasamy,
No.7/215, T.V.Renganathapuram,
Rajagopalanpatti 625 512 Theni District.
Presently Residing At No.181, Kaveri Road,
Karungalpayalam, Erode District.
4. K.Murugan
S/o.Krishnasamy,
No.7/215, T.V.Renganathapuram,
Rajagopalanpatti 625 512 Theni District.
Presently Residing At No.181, Kaveri Road,
Karungalpayalam, Erode District.
5. Chellamani
S/o.Ramasamy, Old No.376, New No.360,
Tagore Nagar, Thirupalai, Madurai Taluk And
District.
6. United India Insurance Co. Ltd.,
Rep. by its Manager, Having its Registered
Office At, 139, C.G.Complex, III Floor,
Kumaran Road, Coimbatore 641 601.
7. TNSTC Madurai
Rep. by Its General Manager, Having Reg.
Office At Bye-pass Road, Madurai.
8. Kathiresan
S/o.Balagurusamy, Akkaraipatti, Peraiyur
Taluk, Madurai District.
9. V.S.Murugan
S/o.Sankaralingam, No.1/1053-e, Powerline,
2nd Street, Neruperichal, Tirupur 641 602.
10. Krishnasamy,
T.V.Renganathapuram,



Rajagopalanpatti 625 512, Theni District.

11. V.Mahalakshmi

W/o.Late S.Venkatesan, Door No.2/323,
D.S.P. Nagar, M.G.R.Colony, T.Mannarai,
Tiruppur.

12. V.Ramakrishnan(minor)

S/o.Late S.Venkatesan,
(12th Respondent Minor Rep. By Mother And
Next Friend 11th Respondent)door No.2/323,
D.S.P. Nagar, M.G.R.Colony, T.Mannarai,
Tiruppur.

..Respondent(s)

PRAYER in CMA No.4246/2019: Civil Miscellaneous Appeal filed under Section 173 of the Motor Accident Claims Tribunal, to prefer this Memorandum of Grounds of Civil Miscellaneous Appeal against the Judgment and Award of the MACT (Special District Court) Erode in MCOP No.609 of 2014 dated 16.09.2016.

PRAYER in CMA No.1228/2021: Civil Miscellaneous Appeal filed under Section 173 of the Motor Accident Claims Tribunal, to against the Judgment and Decree in MCOP No.609 of 2014 dated 16.09.2016, on the file of the Motor Accidents Claims Tribunal, Special District Court, Erode.

PRAYER in CMA No.1224/2021: Civil Miscellaneous Appeal filed under Section 173 of the Motor Accident Claims Tribunal, to against the Judgment and Decree in MCOP.No.610 of 2014, dated 16.09.2016, on the file file the Motor Accidents Claims Tribunal, Special District Court, Erode.

PRAYER in CMA No.1221/2021: Civil Miscellaneous Appeal filed under Section 173 of the Motor Accident Claims Tribunal, to against the judgment and decree in MCOP.No.614 of 2014, dated 16.09.2016, on the file of the Motor Accident Claims Tribunal, Special District Court, Erode.



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For Appellant(s):

Mr.R.P.Ruban Chakravarthy
For M/s.S. Kaithamalai Kumaran
in CMA 4246/2019

Ms.C.Harini,
For M/s.M.B.Gopalan Associates
in CMA Nos.1221, 1224 & 1228/2021

For Respondent(s):

Mr.R.P.Ruban Chakravarthy
For M/s.S. Kaithamalai Kumaran
For R1 to R6 in CMA No.1228/2021

For R1 in CMA No.1224/2021

For R1 to R4 in CMA No.1221/2021

Mr.S.Santhosa Kumar,
Standing Counsel for TNSTC
For R3 in CMA No.4246/2019

For R3 in CMA No.1221/2021

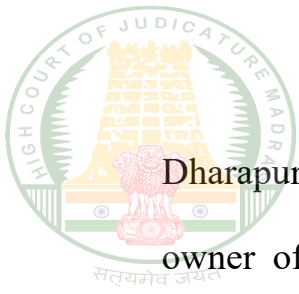
For R4 in CMA No.1224/2021

For R9 in CMA No.1228/2021

COMMON JUDGMENT

All these appeals arise out of the common award passed by the Special District Judge, Motor Accident Claims Tribunal, Erode in M.C.O.P.Nos. 609, 610 and 614 of 2014 dated 16.09.2016, wherein the Insurance Company in three appeals has questioned the 25% liability attributed against them, and the claimants in C.M.A.No.4246 of 2019 are seeking for enhancement of compensation.

2. The case of the claimants is that on 13.07.2014, the deceased in each case was travelling to attend a family function in a TATA Sumo car on

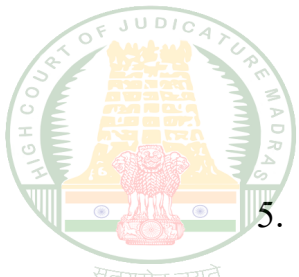


Dharapuram – Ottanchathiram road and at about 16.10 hours the driver-cum-owner of the vehicle, drove the same in a rash and negligent manner, and overtook the vehicle in front of the TATA Sumo car and dashed on a bus belonging to the Tamil Nadu State Transport Corporation. Due to the impact, six occupants of the car died on the spot. Out of the same, three claim petitions were filed in M.C.O.P.Nos.609, 610 and 614 of 2014.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that 50% negligence is attributable to the driver of the bus belonging to the Transport Corporation, 25% negligence is attributable to the driver of the TATA Sumo car, and the balance 25% negligence is attributable to the driver of the Maruthi Suzuki car.

4. The Tribunal, having rendered the above finding, fixed the compensation in M.C.O.P.No.609 of 2014 as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	For Loss of Consortium	Rs.1,00,000/-
2.	For Funeral Expenditure	Rs.25,000/-
3.	For Transportation	Rs.10,000/-
4.	For Loss of Love and Affection	Rs.40,000/-
5.	For the Loss of income	Rs.15,79,392/-
	Total	Rs.17,54,392/-



5. In M.C.O.P.No.610 of 2014, the Tribunal fixed the compensation as follows:

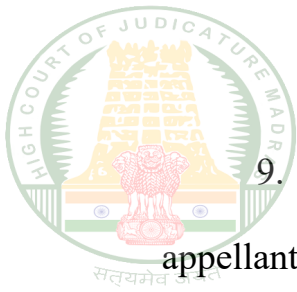
<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	For Funeral Expenditure	Rs.25,000/-
2.	For Transportation	Rs.10,000/-
3.	For Loss of Love and Affection	Rs.10,000/-
4.	For loss of dependency	Rs.51,996/-
	Total	Rs.96,996/-

6. In M.C.O.P.No.614 of 2014, the Tribunal fixed the compensation as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	For Funeral Expenditure	Rs.25,000/-
2.	For Transportation	Rs.10,000/-
3.	For Loss of Love and Affection	Rs.40,000/-
4.	For loss of income	Rs.58,500/-
	Total	Rs.1,33,500/-

7. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

8. C.M.A.Nos.1221, 1224 and 1228 of 2021 has been filed by the Insurance Company questioning attributing 25% negligence on the Maruthi Suzuki car. The claimants in M.C.O.P.No.609 of 2014 have filed C.M.A.No.4246 of 2019 seeking for enhancement of compensation.



9. This Court heard the learned counsel appearing on behalf of the appellants and respondents in all the appeals.

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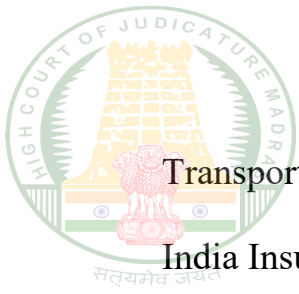
10. This Court carefully considered the submissions made on either side and the materials available on record. This Court carefully went through the award passed by the Tribunal.

11. In the case in hand, the Tribunal, on appreciation of oral and documentary evidence, has rendered a categorical finding that the Maruthi Suzuki car was proceeding from East to West and the Tata Sumo car was coming behind the Maruthi Suzuki car in the same direction, and the bus belonging to the Transport Corporation was coming in the opposite direction from West to East. The Tribunal, at paragraph 55 of the award, has also categorically held that if the driver-cum-owner of the Tata Sumo car had avoided overtaking the Maruthi Suzuki car till the bus belonging to the Transport Corporation had passed the said two cars, the entire accident could have been averted. Thus, what becomes evident is that the Tata Sumo car was coming behind the Maruthi Suzuki car, and the driver-cum-owner of the Tata Sumo car had overtaken the Maruthi Suzuki car, and there was a head on collision with the bus belonging to the State Transport Corporation, as a result of which six precious lives were lost.



12. On assessment of the evidence, the above findings rendered by the Tribunal does not in any way establish any negligence on the part of the driver of the Maruthi Suzuki car. However, curiously, the Tribunal relies upon Rule 23 of the Road Regulations, which deals with the distance that has to be maintained by a vehicle from the vehicle that is going in front. The Tribunal holds that the Maruthi Suzuki car did not maintain the safe distance behind the Tata Sumo car and therefore 25% negligence is attributable to the driver of the Maruthi Suzuki car. The above finding rendered by the Tribunal is baseless and it completely contradicts the manner in which the accident had taken place, and which was rightly described by the Tribunal on appreciation of evidence. Admittedly, in this case, the Maruthi Suzuki car was not coming behind the Tata Sumo car, and it is only the Tata Sumo car which was coming behind the Maruthi Suzuki car and the driver of the Tata Sumo car, overtook the Maruthi Suzuki car and collided head-on, on the bus belonging to the Transport Corporation.

13. The upshot of the above discussion leads to the only conclusion that there is no negligence on the part of the driver of the Maruthi Suzuki car and the finding of the Tribunal attributing 25% contributory negligence on the driver of the Maruthi Suzuki car is hereby set aside. This Court is inclined to fix 50% negligence on the owner-cum-driver of the Tata Sumo car and sustain 50% negligence that has already been fixed against the driver of the bus belonging to the State Transport Corporation. The compensation shall be payable by the State



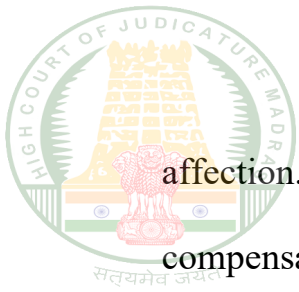
Transport Corporation and the insurer of the Tata Sumo car, namely the United India Insurance Company Limited, in the proportion of 50% : 50%.

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14. Insofar the appeal filed by the claimants for enhancement of compensation is concerned, it is seen that the deceased had left behind his wife, two minor sons and mother. The age of the deceased is 25 years at the time of the accident. The Tribunal has fixed the notional monthly income at Rs.6,500/- and calculated the compensation under the head of loss of income. The accident had taken place in the year 2014, and there are four claimants in this case. In view of the same, this Court is inclined to fix the notional monthly income at Rs.11,000/- per month. Accordingly, the compensation under the head of loss of income is calculated as follows:

Monthly income	: Rs.11,000/-
Add Future Prospects @ 50%	: Rs.5,500/-
Total Monthly income (11,000 + 5,500)	: Rs.16,500/-
Deducted 1/4 towards personal expenses	:Rs.4,125/- (16,500 / 4)
Monthly contribution (16,500 – 4,125)	: Rs.12,375/-
Annual income (12,375 x 12)	: Rs.1,48,500/-
Multiplier at '18' (1,48,500 x 18)	: Rs.26,73,000/-

15. The Tribunal has awarded compensation of Rs.1,00,000/- under the head of loss of consortium and Rs.40,000/- under the head of loss of love and



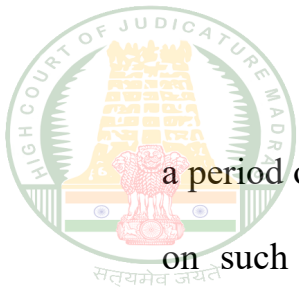
affection. This Court is inclined to consolidate both the heads and grant compensation of a sum of Rs.1,60,000/- under the head of loss of consortium (4 x Rs.40,000/-).

16. The Tribunal has granted a sum of Rs.25,000/- as compensation under the head of funeral expenses and the same is reduced to Rs.15,000/-. This Court is inclined to grant compensation of Rs.15,000/- under the head of loss of estate.

17. In the light of the above discussion, the award passed by the Tribunal is modified as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	For Loss of Consortium	Rs.1,00,000/-	Rs.1,60,000/-
2.	For Funeral Expenditure	Rs.25,000/-	Rs.15,000/-
3.	For Transportation	Rs.10,000/-	Rs.10,000/-
4.	For Loss of Love and Affection	Rs.40,000/-	Nil
5.	For the Loss of income	Rs.15,79,392/-	Rs.26,73,000/-
	Total	Rs.17,54,392/-	Rs.28,58,000/-

18. The compensation awarded by the Tribunal at Rs.17,54,392/- is enhanced to Rs.28,58,000/-. The compensation shall be payable by the transport corporation and the second respondent Insurance Company in the proportion of 50% : 50%, less the amount already deposited, together with 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 (6) weeks from the date of receipt of a copy of this judgment and on such deposit, the claimants are entitled to withdraw the same on due application as apportioned by the Tribunal. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

19. In the result, C.M.A.Nos.1228, 1221, 1224 of 2021 is allowed and C.M.A.No.4246 of 2019 is allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

21-07-2026

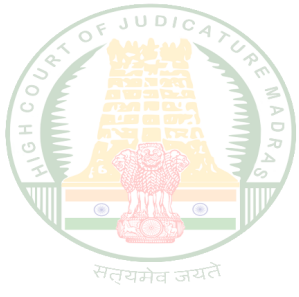
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SSI

To:

1. The Special District Judge,
Motor Accident Claims Tribunal,
Erode.

2. The Section Officer,
V.R.Section,
High Court of Madras.



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CMA No.4246/2019
CMA Nos.1221, 1224 & 1228/2



N.ANAND VENKATESH J.

SSI

**CMA No. 4246 of 2019 and
CMA Nos.1221, 1224 & 1228 of 2021 and
CMP Nos.6194, 6203 & 6210 of 2021**

21-07-2026