

C.M.A.(MD)No.1368 of 20210

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 13.07.2026

Delivered on : 17.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.1368 of 2010

and

M.P(MD)No.2 of 2010

The National Insurance Co.Ltd.,
Rep.by its Divisional Manager,
Manojiappa Veethi,
Thanjavur District.

: Appellant

Vs.

1.Malarvizhi

2.Minor.Vaideki

3.Minor.Devendran

: Respondents

(Minor respondents 2 and 3 rep.by
the first respondent mother as guardian
and next friend.

4.C.E.X.Onix Pvt.Ltd.,
Rep.by its Proprietor,
No.6, Raja Mannar Street,
Thyagarayar Nagar,
Chennai.



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6.The United India Insurance Co.Ltd.,
Rep.By its Regional Manager,
South Main Street,
Thanjavur District.

: Respondents

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the judgment, dated 31.08.2006 made in M.C.O.P.No.428 of 2002, on the file of the Motor Accident Claim Tribunal (Additional Sessions Judge- Fast Track Court No.II) Pattukkottai.

For Appellant : Mr.V.Sakthivel,

For Respondents : Mr.S.Deenadayalan, for R1 to R3.

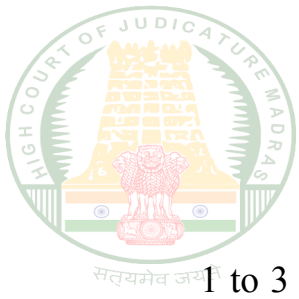
: Mr.G.Prabhu Rajadurai, for R6.

: R5 Dispensed with memo filed.

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.428 of 2002, dated 31.08.2006 on the file of the Motor Accident Claim Tribunal (Additional Sessions Judge-Fast Track Court No.II) Pattukkottai.

2. The appellant/Insurer, who was mulcted with liability to pay compensation of Rs.9,87,500/- with interest and costs to the respondents



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1 to 3 / claimants for the death of Ramalingam, consequent to an accident occurred on 11.08.2001, challenged the liability mulcted on it and also the quantum of compensation awarded at by the Tribunal.

3.For the sake of convenience and brevity, the parties herein after will be referred as per their ranking/status before the Tribunal.

4. It is pertinent to mention that the learned trial Judge has held that the accident occurred only due to the rash and negligent driving of the first respondent's vehicle's driver and on that basis, fastened the liability on the second respondent, insurer of the first respondent's vehicle and directed them to pay compensation at Rs.9,87,500/- with interest and costs and dismissed the petition as against the respondents 3 and 4.

5. The appellant/insurer has preferred the appeal challenging the finding of the Tribunal fixing the responsibility on the first respondent's driver and consequent liability mulcted on it and according to them, the accident was occurred only due to the rash and negligent driving of the third respondent's vehicle driver and that therefore, the fourth respondent being their insurer is liable to pay compensation.



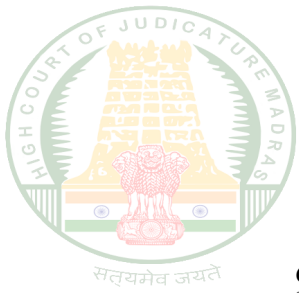
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6. When the appeal was taken up for final hearing, the learned counsel for the appellant submitted that the notice sent to the fifth respondent returned as 'died', that though they have challenged the liability in the appeal memorandum, they are restricting their prayer only with regard to the quantum of compensation and that therefore, taking steps for the fifth respondent is not necessary and notice to the fifth respondent may be dispensed with and he also filed a memo to the said effect and the same came to be recorded.

7. Heard the learned counsel for the appellant and the learned counsels appearing for the respondents 1 to 3/claimants and the learned counsel appearing for the sixth respondent/fourth respondent.

8. As already pointed out, the claim petition as against the respondents 5 and 6/ Respondents 3 and 4 came to be dismissed by the Tribunal.



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9. The learned counsel for the appellant would submit that there is no clinching evidence to show that the deceased was working as an Assistant Director in the Tamil Cinema Industry and the evidence adduced by the claimants are only clippings manipulated by the Computer Graphics; that they have not produced any other convincing evidence to prove the avocation and income of the deceased, but the Tribunal, without any basis, fixed the notional monthly income of the deceased as Rs.8,000/-, which is excessive ; that the finding of the Tribunal with regard to the loss of future income of the deceased is also incorrect and that the total compensation awarded at Rs.9,60,000/- is very much excessive and the same is liable to be interfered with.

10. The learned counsel for the claimants would submit that they have examined a Film Producer Samynathan as P.W.3 and he deposed that the deceased was working as an Assistant Director; that he had engaged him for directing his film and he had also produced the agreement entered into between himself and the deceased and that the Tribunal, considering the evidence available on record, has rightly fixed the notional monthly income of the deceased as Rs.8,000/-; that the Tribunal has awarded only



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lesser amount under the other heads and that therefore, the appeal by the insurer, which is devoid of merits, is liable to be dismissed.

11. It is the specific case of the claimants that the deceased was working as an Assistant Director in the film industry; that he worked in the films Chinnathayee, Kadal Thiruda and Production No.I and other films; that he studied Catering Technology and that he was getting monthly income of Rs.10,000/-.

12. As already pointed out, the claimants have examined P.W.3 Film Producer and he deposed that the deceased was working as an Assistant Director in several films; that he produced the film Production No.I and that he engaged the deceased as the Director of the film and paid a sum of Rs.15,000/- towards advance and fixed the salary at Rs.2,50,000/-. P.W.3 has produced the certificate to show that he was running a production establishment and the Identity card to show him as a film producer and also the agreement entered into between himself and the deceased. Though P.W.3 was subjected to cross-examination, his evidence with regard to the avocation and income of the deceased remained unshaken. The Tribunal,



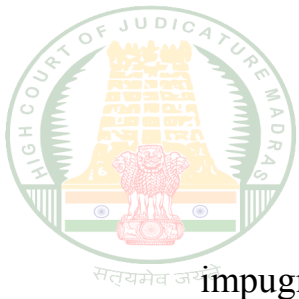
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considering the evidence available on record, has fixed the monthly income of the deceased as Rs.8,000/- and the same cannot be found fault with.

13. The Tribunal, upon considering the evidence available on record, fixed the age of the deceased to be 45 years as on the date of the accident and the same has not been disputed by the insurer. The Tribunal has adopted multiplier of '15' and deducted 1/3rd of income towards personal and living expenses of the deceased and assessed the loss of dependency at Rs.9,60,000/- .

14. The Tribunal has also awarded a sum of Rs.15,000/- towards spousal consortium to the first claimant, Rs.10,000/- towards transport expenses and Rs.2,500/- towards funeral expenses, thereby awarding a total compensation of Rs.9,87,500/-. Considering the evidence available on record and the principles governing the assessment of compensation, this Court is of the view that the total compensation of Rs.9,87,500/- awarded by the Tribunal is just, fair and reasonable and cannot be said to be excessive. The appellant has not canvassed any other valid ground to



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impugn the award. Consequently, this Court concludes that the appeal is devoid of merits and is liable to be dismissed.

15. In the result, this Civil Miscellaneous Appeal is dismissed and award dated 31.08.2006 made in M.C.O.P.No.428 of 2002, on the file of the Motor Accident Claim Tribunal (Additional Sessions Judge- Fast Track Court No.II) Pattukkottai, is confirmed. The appellant/Insurance Company is directed to deposit the entire award amount with interest at 7.5% per annum from the date of petition till the date of realization, excluding the default period if any, to the credit of M.C.O.P.No.428 of 2002, on the file of the Motor Accident Claim Tribunal (Additional Sessions Judge- Fast Track Court No.II) Pattukkottai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment and on such deposit, the first claimant is permitted to withdraw her share with accrued interests and costs, less amount already withdrawn, if any, by filing a necessary application before the Tribunal. The Tribunal is directed to deposit the share of the minor claimants in any one of the Nationalized Bank in a fixed deposit scheme, till they attain majority. The mother and guardian of the minor claimants is



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permitted to withdraw the accrued interest once in three months directly from the Bank only for the welfare of the minors. The parties are directed to bear their own costs. Consequently, connected Miscellaneous Petition is closed.

17.07.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The Motor Accident Claim Tribunal
(Additional Sessions Judge- Fast Track Court No.II)
Pattukkottai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
C.M.A(MD)No.1368 of 2010
and
M.P(MD)No.2 of 2010

Dated :17.07.2026