



C.M.A. (MD)No.843 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.07.2026

Pronounced on : 07.08.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.843 of 2026

and

C.M.P.(MD)No.8472 of 2026

The Manager,
New India Assurance Company Limited,
ML Complex, 1st Floor,
10/11 Church Road, Dharapuram,
Tiruppur District.

... Appellant/
2nd Respondent

Vs.

1.A.Deivendran

... 1st Respondent/
Petitioner

2.S.Rajapandian

... 2nd Respondent/
1st Respondent

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the award dated 19.08.2025 passed in M.C.O.P.No.24 of 2025 on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Dindigul District.



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For Appellant : Mr.I.Robert Chandra Kumar

For Respondents : Mr.M.Venkatesan for R1

Mr.A.Prabhuraj for R2

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.24 of 2025 dated 19.08.2025 on the file of the Motor Accident Claims Tribunal / Special Subordinate Court to deal with MCOP cases, Dindigul.

2. The appellant / Insurer, who was mulcted with liability to pay compensation of Rs.11,10,000/- (Rupees Eleven Lakhs and Ten Thousand only) with interest and costs to the first respondent / claimant, for the death of Mayakkal, consequent to an accident occurred on 02.10.2024, challenged the quantum of compensation awarded at, by the Tribunal.

3. By consent of both sides, this civil miscellaneous appeal was taken up for final disposal at the admission stage itself.



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4. The learned counsel appearing for the appellant / insurer would submit that though the finding with regard to negligence has also been challenged in the memorandum of appeal, the appellant is restricting the present appeal only to the quantum of compensation, more particularly, the age of the deceased adopted by the Tribunal for determining the multiplier.

5. The case of the first respondent / claimant is that the deceased Mayakkal was aged 65 years at the time of accident. No doubt, the first respondent / claimant has produced postmortem certificate under Ex.P3, wherein, the age of the deceased has been shown as 65 years. But the appellant / insurer has produced and exhibited a copy of the Aadhaar Card of the deceased as Ex.R1, wherein, her date of birth has been shown as 18.09.1955 and on the basis of the said date of birth, the deceased would have been aged about 69 years at the time of the accident.

6. The learned counsel appearing for the appellant / insurer would mainly contend that the Tribunal, without considering the date of birth shown in the Aadhaar Card, has relied on the postmortem certificate and on that basis, erroneously fixed the age of the deceased as 65 years and



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applied the multiplier of 7.

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7. The Tribunal has relied on the decision of the Hon'ble Supreme Court in ***Saroj Vs. Iffco-Tokia General Insurance Company and others*** reported in **2024 INSC 816**, wherein, the Hon'ble Apex Court has observed that Aadhaar Card is not a proof of date of birth. In the above decision, the Hon'ble Supreme Court has held that an Aadhaar Card is not, by itself, a conclusive proof of date of birth as the Unique Identification Authority of India (UIDAI) has itself clarified that an Aadhaar Card is primarily a proof of identity and not a proof of date of birth.

8. The learned counsel appearing for the first respondent / claimant placed reliance on the judgment of the Hon'ble Supreme Court in ***Sunita and others Vs. Vinod Singh and others***, reported in **2025 INSC 366**, wherein the Hon'ble Supreme Court, while dealing with the age of the deceased, relied upon the Postmortem Report, observing that the age mentioned therein is based on a scientific assessment. The Hon'ble Supreme Court has further observed that, in the absence of any material indicating to the contrary, there is no impediment to accepting the age of



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the deceased as mentioned in the Postmortem Report. In the case on hand, though the appellant / insurer has produced the Aadhaar Card of the deceased under Ex.R1, the first respondent / claimant has specifically disputed the date of birth mentioned therein. The appellant / insurer has not produced any other document or evidence to corroborate the date of birth mentioned in Ex.R1.

9. In the light of the legal position referred above, the Tribunal cannot be faulted for not placing reliance upon the Aadhaar Card. In the absence of any other reliable material proving the date of birth of the deceased, the Tribunal was justified in relying upon the age mentioned in the Postmortem Certificate. Hence, the finding of the Tribunal fixing the age of the deceased at 65 years and consequently applying the multiplier of '7' is perfectly in order and does not warrant any interference by this Court.

10. Except the above, the appellant / insurer has not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.



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11. Considering the other facts and circumstances, this Court, further decides that the parties are to be directed to bear their own costs.

12. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant / insurer is directed to deposit the entire compensation amount as awarded by the Tribunal with interest and costs 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.24 of 2025 on the file of the Motor Accident Claims Tribunal / Special Subordinate Court dealing with MCOP cases, Dindigul, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the first respondent / claimant is permitted to withdraw the amount together with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected miscellaneous petition is closed. The parties shall bear their own costs.

07.08.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To:

1. The Special District Judge,
Motor Accident Claims Tribunal,
Dindigul.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Judgment made in
C.M.A.(MD)No.843 of 2026
and
C.M.P.(MD)No.8472 of 2026

Dated : 07.08.2026