



C.M.A(MD)No.906 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 23.07.2026

PRONOUNCED ON:07.08.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.906 of 2026

1.Latha
2.Vinitha
3.Vinotha

: Appellants/Petitioners

Vs.

1.The District Superintendent of Police,
District Superintendent of Police Office,
Karur District.

2.The District Collector,
District Collector Office,
Karur District.

Kumar (died)

: Respondents / Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the Judgment dated 03.02.2025, passed in M.C.O.P.No.509 of 2022, on the file of the Motor Accident Claims Tribunal, Special District Court, Thanjavur.



C.M.A(MD)No.906 of 2026

For Appellants : Mr.K.Gokul

For Respondents : Mr.R.S.Sivaram
Government Advocate (Civil Side)
for R.1 and R.2

JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.509 of 2022, dated 03.02.2025, on the file of the Motor Accident Claims Tribunal / Special District Court to deal with MCOP cases, Thanjavur.

2. The appellants/claimants who were awarded with compensation of Rs.20,80,800/- with interest and costs for the death of Veeramani, consequent to an accident occurred on 13.12.2021, challenged the contributory negligence of 50% fastened on the deceased and also the quantum of compensation awarded by the Tribunal.

3. The case of the claimants is that on 13.12.2021 at about 08.20a.m., the deceased was proceeding on a Pulsar two wheeler bearing



C.M.A(MD)No.906 of 2026

Registration No.TN-37-BU-6558 towards the company where he was working at Perunthurai, along the Trichy – Karur main road and at the place near KVS poultry shop, a Swaraj Mazda police van bearing Registration No.TN-47-G-0190, which came from the opposite direction in a rash and negligent manner, dashed against the two wheeler and as a result of which, the said Veeramani sustained serious injuries all over his body and despite treatment, he succumbed to the injuries and that the accident occurred only due to the rash and negligent driving of the Swaraj Mazda van driver.

4. The case of the respondents is that the van owned by the first respondent bearing Registration No.TN-47-G-019 was proceeding from Karur towards Trichy at about 08.30a.m., on 13.12.2021 and at that time a two wheeler bearing Registration No. TN-37-BU-6558 which came in the opposite direction and the rider chatting in a cell phone, rode the two wheeler in a rash and negligent manner and on noticing the same, the van driver stopped his vehicle and despite the same, the two wheeler rider unable to control the speed crossed the barricades and dashed against the Swaraj Mazda police van and caused the accident and that the accident



C.M.A(MD)No.906 of 2026

had occurred only due to the rash and negligent driving of the two wheeler rider and the van driver was not at fault.

5. During trial, the claimants examined the first claimant as P.W.1 and the occurrence witness Durai Prakash as P.W.2 and exhibited 17 documents as Exs.P.1 to P.17. The respondents examined the first respondent's van driver – Sadiq Batcha as R.W.1 and exhibited 3 documents as Exs.R.1 to R.3. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both sides, passed the impugned order dated 03.02.2025, holding that the deceased and the van driver are equally responsible for the accident and fixed the contributory negligence at 50% each and by fixing the compensation at Rs.41,61,600/-, directed the first respondent to pay compensation of Rs.20,80,800/- with interest and costs to the claimants. Aggrieved by the impugned order, the claimants have preferred the present Civil Miscellaneous Appeal.

6. The learned Counsel for the appellants would mainly contend that P.W.2 – occurrence witness has specifically deposed about the



C.M.A(MD)No.906 of 2026

manner of the accident and that the accident occurred only due to the rash and negligent driving of the police van driver, that the Tribunal taking note of the evidence of the driver R.W.1 and without considering the evidence of P.W.2 – occurrence witness, has erroneously fixed the contributory negligence at 50% on the deceased and that the said finding which is legally unsustainable is liable to be set aside.

7. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that the Tribunal, considering the evidence of the occurrence witness – P.W.2 as well as Van driver – R.W. 1 and also taking note of the presence of the barricades and the way in which the accident occurred, has come to a finding that both the drivers are equally responsible for the accident and on that basis, fixed the contributory negligence at 50% each and that the same does not warrant any interference.

8. As rightly contended by the learned counsel appearing for the appellants as well as the learned counsel appearing for the respondents, P.W.2, the occurrence witness, has deposed about the manner in which



C.M.A(MD)No.906 of 2026

the accident had occurred. According to him, the driver of the Police Van, who came from the opposite direction, drove the vehicle in a rash and negligent manner, dashed against the two-wheeler and caused the accident. On the other hand, according to R.W.1, the rider of the two-wheeler was talking over a mobile phone while riding the vehicle in a rash and negligent manner and, on noticing the same, he stopped the Police Van, and despite the same, the rider of the two-wheeler crossed the barricades and dashed against the Police Van and, therefore, the rider of the two-wheeler alone was responsible for the accident. The Tribunal, upon considering the evidence available on record, has specifically observed that the road at the place of occurrence was sufficiently wide and that barricades had been placed there. The Tribunal has further observed that had the deceased as well as R.W.1 exercised due care and caution and controlled the speed of their respective vehicles on noticing the other vehicle, the accident could have been averted.

9. On considering the entire evidence available on record and taking note of the width of the road and the presence of barricades at the place of occurrence, the Tribunal has rightly come to the conclusion that



C.M.A(MD)No.906 of 2026

both the deceased and R.W.1 had contributed equally to the occurrence of the accident and, accordingly, fixed the contributory negligence at 50% each and that the said finding cannot be found fault with.

10. The learned Counsel for the appellants would then contend that the Tribunal has awarded Rs.44,000/- each for loss of consortium and the Tribunal ought to have granted Rs.50,000/- each totally Rs.1,50,000/-, that the Tribunal ought to have awarded sum of Rs.20,000/- for loss of estate. The learned Counsel would further submit that the Tribunal failed to award any amount towards the loss of love and affection and that therefore, the impugned compensation is liable to be enhanced.

11. The Tribunal, taking note of the judgment of the Hon'ble Supreme Court in *National Insurance Company Ltd., Vs. Pranay Sethi and others* reported in *2017(2) TNMAC 609* and *Janabai and Others Vs.ICICI Lombard Insurance Company Ltd.*, reported in *2022 ACJ 2003*, has awarded Rs.44,000/- each to all the three claimants towards filial consortium. But the first claimant being the mother of the deceased, is entitled to get Rs.44,000/- towards filial consortium, but the



C.M.A(MD)No.906 of 2026

other two claimants being the sisters are not entitled to consortium. The Tribunal has also awarded Rs.16,500/- towards funeral expenses, Rs.19,800/- towards loss of estate and assessed the total compensation at Rs.41,61,600/-.

12. No doubt, some of the amounts awarded by the Tribunal under the conventional heads are not strictly in accordance with the settled legal position. But, it is pertinent to note that the first respondent has not preferred any appeal or cross-objection challenging the quantum of compensation awarded by the Tribunal. Considering the compensation awarded under the various heads in its entirety, this Court is of the view that the total compensation determined by the Tribunal is just and reasonable and does not warrant any interference or enhancement. Since the contributory negligence on the part of the deceased has been fixed at 50%, the Tribunal has awarded a sum of Rs.20,80,800/-, being 50% of the total compensation of Rs.41,61,600/-. Hence, the appellants/claimants have not made out any case for enhancement of the compensation and, consequently, the Civil Miscellaneous Appeal is devoid of merit and is liable to be dismissed.



C.M.A(MD)No.906 of 2026

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13. In the result, the Civil Miscellaneous Appeal is dismissed. The first respondent is directed to deposit the entire contributory award amount along with accrued interest and costs from the date of petition till the date of realization, excluding the default period if any, to the credit of above said M.C.O.P.No.509 of 2022, on the file of the Motor Accident Claims Tribunal / Special District Court, to deal with MCOP cases, Thanjaur, 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 claimants are entitled to withdraw entire award amount along with interest and costs as apportioned by the Tribunal, on due application before the Tribunal. The parties are directed to bear their own costs.

07.08.2026

NCC : Yes : No
Index : Yes : No
Internet : Yes : No

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C.M.A(MD)No.906 of 2026

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1. The Motor Accident Claims Tribunal /
Special District Court, to deal with MCOP cases,
Thanjaur,
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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C.M.A(MD)No.906 of 2026

K.MURALI SHANKAR,J.

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PRE-DELIVERY JUDGMENT MADE IN

C.M.A(MD)No.906 of 2026

07.08.2026