

C.M.A. (MD) No. 890 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.04.2026

Pronounced on : 10.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.890 of 2024

and

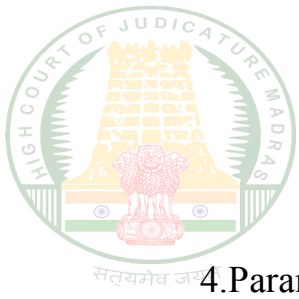
C.M.P.(MD)No.9563 of 2024

- 1.The Block Development Officer,
Block Development Office,
Kamuthi, Ramanathapuram District.
- 2.The Project Director,
District Rural Development Agency,
Ramanathapuram District.
- 3.The District Collector,
District Collector Office Complex,
Ramanathapuram District.

... Appellants/
Respondents

Vs.

- 1.Ananthavalli
- 2.Geetha Eswari
- 3.Minor.Muthunaganathan
(R3 minor represented by R1)



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4. Parameswari
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... Respondents/
Claimants

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to call for the records in M.C.O.P.No.78 of 2016 dated 22.10.2018 on the file of Motor Accident Claim Tribunal cum Additional District Judge, Paramakudi, Ramanathapuram District and to set aside the same.

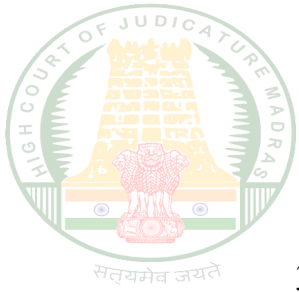
For Appellants : Mr.A.Oliraja,
Government Advocate (Civil Side)

For Respondents : Mr.D.Senthil

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.78 of 2016 dated 22.10.2018 on the file of the Motor Accident Claims Tribunal / Additional District Court, Paramakudi.

2. The appellants / Government Officials, who were mulcted with liability to pay compensation of Rs.7,45,313/- (Rupees Seven Lakhs Forty Five Thousand Three Hundred and Thirteen only) with interest and costs to the respondents / claimants, for the death of Mangalanathan, consequent to an accident occurred on 22.09.2014, challenged the liability mulcted on it and also the quantum of compensation awarded at, by the Tribunal.



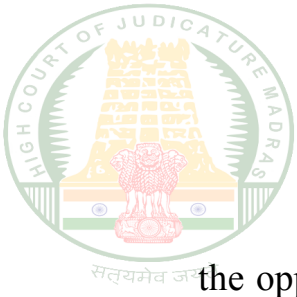
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3. For the sake of convenience and brevity, the parties hereinafter will be referred to as per their status / ranking in the Tribunal.

4. The case of the claimants is that on 22.09.2014 at about 07.15 p.m., when the deceased was proceeding in his two wheeler bearing Registration No.TN-63-H-6145 from Parthibanur to Kattu Emaneswaram in Parthibanur – Kamuthi road, at the place opposite to Mangudi vilakku road from north to south, a car bearing Registration No.TN-65-G-0528 belonging to the Kamuthi Panchayat Union, which came in the opposite direction, in a rash and negligent manner, dashed against the two wheeler and as a result of which, the said Mangalanathan sustained serious injuries and died on the spot and that the accident occurred only due to the rash and negligent driving of the car driver.

5. The defence of the respondents is that the manner of accident stated in the claim petition is false and untenable, that on 22.09.2014, car driver Radhakrishnan was proceeding on official duty from Kamuthi to Parthibanur from south to north and at the place near Mangudi vilakku, a two wheeler rider, in a drunken mode, without wearing helmet, came in



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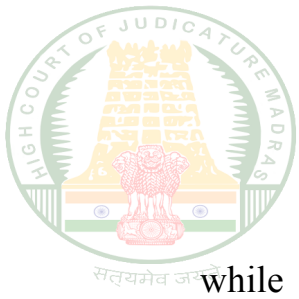
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the opposite direction in a rash and negligent manner and on noticing the zigzag riding of the two wheeler, the car driver sounded horn and on and off the lights and since the same were not noticed by the two wheeler rider, he stopped the car but the two wheeler rider unable to control the speed dashed against the car and caused the accident, that the accident was occurred only due to the rash and negligent driving of the two wheeler rider and that the car driver was not at fault.

6. The claimants, in an attempt to prove the mode of accident canvassed by them, examined P.W.2 Krishnasamy alleged to be the occurrence witness, whereas, the respondents have examined their car driver Radhakrishnan as R.W.1.

7. It is pertinent to note that on the basis of the complaint lodged, FIR came to be registered in Crime No.110 of 2014 on the file of Parthibanur Police Station, against the car driver.

8. P.W.2, in his evidence, has deposed about the manner of accident, reiterating the claim petition contentions. P.W.2 has given evidence that

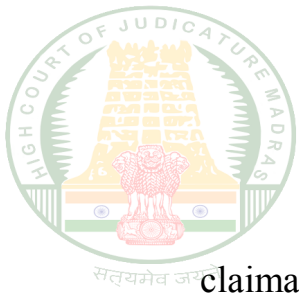


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while he was proceeding in a two wheeler along with Harikrishnan at about 07.15 p.m. on 22.09.2014 from Parthibanur to Kattu Emaneswaram, his brother Mangalanathan was proceeding in his two wheeler bearing Registration No.TN-63-H-6145 ahead of them and at the place near Mangudi vilakku road, a car belonging to the Kamuthi Panchayat Union, which came in the opposite direction, in a rash and negligent manner, dashed against the two wheeler and the said Mangalanathan had sustained serious head injuries and bone injuries on his right hand and left leg and succumbed to the injuries. R.W.1 car driver has given evidence in support of the stand taken by the respondents in their counter statement. R.W.1 has deposed that on noticing the two wheeler, he stopped the car and despite the same, the two wheeler rider unable to control the speed dashed against the car and invited the accident. Considering the evidence available on record, the Tribunal has come to a finding that the deceased was not wearing helmet at the time of accident but rejected the contention of the respondents that the deceased was in a drunken mode as there was no evidence to establish the same.

9. As rightly contended by the learned counsel appearing for the



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claimants, though P.W.2 was subjected to cross-examination, nothing was elicited by the respondents' side in support of their stand and the evidence of P.W.2 with regard to the manner of accident remained unshaken. Except R.W.1, the respondents have not chosen to examine any other witnesses alleged to have witnessed the occurrence in support of their claim. Considering the entire evidence available on record, the Tribunal has rightly come to the conclusion that the accident occurred only due to the rash and negligent driving of the car driver but taking note of the non-wearing of helmet by the deceased, fixed contributory negligence on the deceased at 10%.

10. Now turning to the quantum of compensation, the learned Government Advocate (Civil Side) appearing for the respondents would mainly contend that the Tribunal, without any iota of evidence, has fixed the monthly income of the deceased as Rs.4,500/-, which is excessive, that the total compensation awarded at Rs.7,45,313/- is also excessive and without any basis and that therefore, the same is liable to be interfered with.



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11. The claimants, both in the claim petition and in their oral evidence, have stated that the deceased, Mangalanathan, was running a hotel by name "New Ariyabhavan" at Paramakudi and was earning a sum of Rs.30,000/- per month therefrom. They have further stated that the deceased was also the owner of agricultural lands and was earning an annual income of Rs.1,00,000/- from agricultural operations. According to the claimants, they were dependent on the monthly income of Rs.30,000/- earned by the deceased Mangalanathan.

12. As rightly contended by the learned Government Advocate (Civil Side) appearing for the respondents and as rightly observed by the learned trial Judge, the claimants have not produced any iota of evidence to prove that the deceased was running a hotel and was also doing agricultural operations in his lands. Except producing Chief Minister Farmer Security Card of the deceased, the claimants have not produced any other material to show the avocation and income of the deceased. The Tribunal, taking note of the fact that the accident was occurred in the year 2014 and the age of the deceased fixed at 48 years, has fixed the notional monthly income of the deceased as Rs.4,500/- and the same cannot be found fault with.

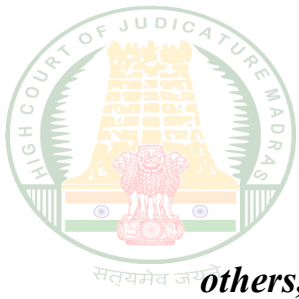


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13. The Tribunal, taking note of the decision of the Hon'ble Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and others* reported in **2017 (2) TN MAC 609 (SC)**, has rightly added 25% of the income towards future prospects. The Tribunal has also rightly deducted 1/4th of the income towards personal and living expenses of the deceased and as per the decision of the Hon'ble Supreme Court in *Sarla Verma and others Vs. Delhi Transport Corporation and another* reported in **2009 (2) TN MAC 1 (SC)**, has rightly applied multiplier 13 and assessed the loss of dependency at Rs.6,58,125/- and the same cannot be faulted.

14. The Tribunal has also awarded Rs.40,000/- towards loss of consortium and Rs.1,00,000/- towards loss of love and affection. The Hon'ble Supreme Court in *National Insurance Company Ltd., Vs. Pranay Sethi and others* reported in **2017 ACJ 2700**, has permitted to award Rs.40,000/- towards spousal consortium. But subsequently, the Honourable Supreme Court in *Magma General Insurance Company Ltd, Vs. Nanu Ram alias Chuhru Ram and others* reported in **(2018) 18 SCC 130**, and *the New India Assurance Company Ltd., Vs. Smt.Somwati and*



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others, passed in **Civil Appeal No.3093 of 2020 and batch, dated 07.09.2020** has permitted the spousal consortium to be awarded to the surviving spouse, parental consortium to be awarded to the children upon the premature death of their parents and filial consortium to be awarded to the parents for the loss of their children at the same amount that is fixed in **Pranay Sethi's** case. Hence, the first claimant being the wife is entitled to get Rs.40,000/- towards loss of spousal consortium, the claimants 2 and 3 being the children are entitled to get Rs.40,000/- each towards loss of parental consortium and the fourth claimant being the mother is entitled to get Rs.40,000/- towards loss of filial consortium, but the Tribunal has awarded a sum of Rs.1,40,000/- and as such, the same cannot said to be excessive. The Tribunal has also awarded Rs.15,000/- for loss of estate and Rs.15,000/- for loss of funeral expenses under the conventional heads. After deducting 10% of the compensation towards contributory negligence, the Tribunal directed the third respondent to pay compensation of Rs.7,45,313/- with interest and costs and that the said award is perfectly in order and does not warrant any interference.

15. It is pertinent to mention that the respondents / claimants have



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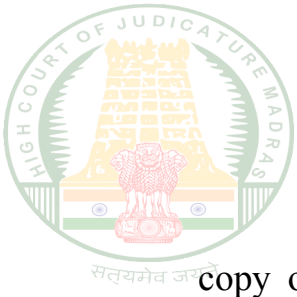
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neither filed any appeal nor cross-objection challenging the contributory negligence mulcted on the deceased and also the quantum of compensation.

16. Except the above, the appellants / respondents have 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.

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

18. In the result, this Civil Miscellaneous Appeal is dismissed. The third appellant is directed to deposit the award amount 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.78 of 2016 on the file of the Motor Accident Claims Tribunal / Additional District Court, Paramakudi, within a period of four weeks from the date of receipt of a



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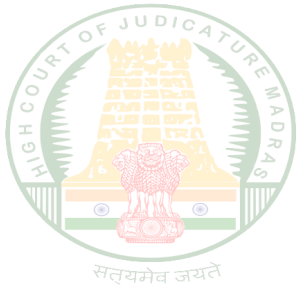
copy of this judgment. On such deposit being made, the respondents / claimants are permitted to withdraw the amount together with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. The parties shall bear their own costs.

10.07.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Additional District Judge,
Motor Accident Claims Tribunal,
Paramakudi.
- 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.890 of 2024
and
C.M.P.(MD)No.9563 of 2024

Dated : 10.07.2026