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C.M.A.No.2965 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**C.M.A.No.2965 of 2024**

Royal Sundaram General Insurance Company Limited,  
Old No.140, New No.137, Ramani Krishna Marvel,  
DB Road, RS Puram,  
Coimbatore-641 002.

... Appellant

Vs.

1.Sasidharan

2.Manjula Rani

3.Suresh Kumar

4.Venkidesan

...Respondents

**PRAYER :** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 15.04.2024 made in M.C.O.P.No.85 of 2022 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Mettupalayam.

For Appellant : Ms.C.Harini



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## J U D G M E N T

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This Civil Miscellaneous Appeal has been filed challenging the award dated 15.04.2024 passed in M.C.O.P.No.85 of 2022 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Mettupalayam.

2. The respondents 1 and 2 are the claimants. According to the respondents, on 13.06.2022 at about 06.30 p.m., when the deceased was proceeding from Mettupalayam to Coonor in his motor cycle bearing Reg.No.TN 43 F 4600, a lorry bearing Reg.No.TN 43 L 8388 belonging to the fourth respondent and insured with the appellant/Insurance Company was driven by its driver in a rash and negligent manner and hit against the deceased, due to which, the deceased sustained severe head injuries and died in the hospital. Thereafter, the FIR in Crime No.515 of 2022 was registered for the offence under Sections 279 and 337 IPC @ 279 and 304(A) IPC. The respondents 1 and 2, who are the parents of the deceased, have filed the claim petition before the Tribunal. The Tribunal has partly allowed the claim petition and awarded a sum of Rs.20,10,655/- together with interest at the



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rate of 7.5% per annum and directed the appellant/Insurance Company to pay the compensation to the claimants. Challenging the same, the present Civil Miscellaneous Appeal has been filed.

3. The learned counsel appearing for the appellant submits that the accident has occurred due to rash and negligent driving of the deceased and the Tribunal ought to have fixed the contributory negligence on the deceased for having hit the lorry which resulted in the accident and the Tribunal erred in awarding a sum of Rs.3,77,655/- towards medical bills on the basis of the duplicate bills filed by the respondents 1 and 2 and the compensation awarded by the Tribunal is on the higher side. Hence, he prays for allowing this appeal.

4. Heard the learned counsel appearing for the appellant Insurance Company.

5. This Court has carefully considered the submissions made on



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behalf of the appellant/Insurance Company and perused the materials available on record.

6. In the instant case, the accident had occurred on 13.06.2022 and FIR in Crime No.515 of 2022 was registered for the offence punishable under Sections 279 and 337 IPC @ 279 and 304(A) IPC, wherein, it has been specifically stated that the driver of the lorry bearing Registration No.TN 43 L 8388 has driven the vehicle in a rash and negligent manner and hit behind the motorcycle driven by the deceased and thereby, caused the accident. The Insurance Policy of the lorry was marked as Ex.P12 and thereby, the liability fixed on the appellant/Insurance Company cannot be interfered with by this Court. With respect to quantum of compensation, the Tribunal has elaborately discussed that the deceased was aged about 20 years at the time of accident and he was working as part time employee in one Bharath Enterprises and was earning a sum of Rs.10,000/- per month. Though no documentary proof was filed before the Tribunal to prove the income of the deceased, the appellant/Insurance Company has not



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controverted or challenged the income earned by the deceased before the Tribunal and has not let any evidence with respect to the same. Therefore, the Tribunal has fixed the monthly income of Rs.10,000/- which is not excessive one. That apart, the Tribunal has followed the judgment in ***National Insurance Co. Ltd. Vs. Pranay Sethi & others (2017 (16) SCC 680***), for fixing the monthly income of the deceased as well as the future prospects. Accordingly, the compensation arrived at by the Tribunal with respect to the loss of income is justifiable. The amount awarded with respect to the other heads such as pain and sufferings, loss of estate and future expenses seems to be justifiable and need not be interfered with. With regard to medical expenses, the same was substantiated by Ex.P20/Medical Bills filed on behalf of the respondents 1 and 2/claimants and even on that ground, the award passed by the Tribunal cannot be interfered with. Therefore, the award dated 15.04.2024 passed in M.C.O.P.No.85 of 2022 by the Motor Accident Claims Tribunal, Subordinate Court, Mettupalayam, is hereby confirmed.



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7. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The Motor Accidents Claims Tribunal,  
Subordinate Court, Mettupalayam.
2. The Section Officer,  
V.R. Section,  
High Court,  
Chennai.



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**M.DHANDAPANI, J.**

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