



C.M.A.No.197 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.No.197 of 2025
and C.M.P.No.1543 of 2025

The Branch Manager,
The Oriental Insurance Co.Ltd.,
Having its office at
No.1/160, VOC Nagar,
N.Kosavampatti, Namakkal - 637 001. ... Appellant

Vs.

1. Panneerselvam
2. Santhira
3. Kanagalingam ... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 29.09.2023 made in M.C.O.P.No.55 of 2022 on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Ariyalur.

For Appellant : Mr.S.Arun Kumar



C.M.A.No.197 of 2025

WEB COPY

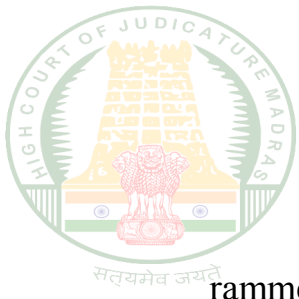
JUDGMENT

*(Judgment of the Court was delivered by **J. Nisha Banu, J**)*

This Civil Miscellaneous Appeal has been filed by the Insurance Company/appellant challenging quantum of compensation awarded by the Motor Accident Claims Tribunal, Dharmapuri, in M.C.O.P.No.212 of 2022, dated 28.08.2024.

2. Hereinafter, for the sake of convenience, henceforth, the parties will be referred to as per their rank before the Tribunal.

3. According to the claimant, on 24.05.2022 at 04.15 p.m when the deceased namely, Aravind was returning from Kumbakonam, after completion of his work towards his native place Keelakavattankurichi Village in his TVS motorcycle bearing Registration No.TN-61-W-2340 on Thiruvaiyaru - Ariyalur Main Road, a Ashok Leyland Multi Axle Goods Vehicle bearing Registration No.TN-28-AH-3976 came from the same direction in a high speed and without making any horn and also by not following the traffic rules, dashed against the vehicle of the deceased. As a result of the accident, the said goods vehicle wheel



C.M.A.No.197 of 2025

rammed over the deceased and finally, the deceased died on the spot.

WEB COPY

4. After the said accident, the body of the deceased was taken to the Government Hospital, Thiruvaiyaru and post-mortem was conducted. Therefore, the first respondent/claimant filed the claim petition in M.C.O.P.No.55 of 2022 on the file of the Motor Accident Claims Tribunal (Additional District Judge) Ariyalur, claiming a compensation of Rs.50,00,000/- and the Tribunal has also awarded a sum of Rs.46,79,696/- as compensation. Aggrieved over the same, the Insurance Company has filed the present Appeal.

5. The learned counsel for the appellant/Insurance Company is only questioning the quantum fixed by the Tribunal. He submits that the Tribunal erred in assuming a sum of Rs.40,132/- as monthly income of the deceased relying on the pay slip for the month of April, 2022. He further submits that the Tribunal ought not to have granted 40% towards future prospects and interest for the same. Therefore, he prayed to allow this appeal.



WEB COPY

6. The appeal is taken up for final disposal at the admission stage itself, since the disposal of this case will not affect the respondents in any manner.

7. Before the Tribunal, in order to prove the claim petition, the father of the deceased/1st claimant was examined as P.W.1 and one Ramesh was examined as P.W.2 and Ex-P.1 to Ex-P.17 were marked. On the side of the respondents, one Lakshmi, Junior Assistant, R.T.O. Office, Ariyalur, was examined as R.W.1 and Ex-R.1 and Ex-R2 were marked.

8. The Tribunal, based on the oral and documentary evidences, awarded the compensation as tabulated below:-

S.No.	Head	Amount
1	Loss of dependency	Rs.45,84,696
2	Loss of Estate	Rs.20,000
3	Loss of consortium and love and affection	Rs.45,000
4	Transport Expenses	Rs.10,000
5	Funeral Expenses	Rs.20,000
	Total	Rs.46,79,696



C.M.A.No.197 of 2025

WEB COPY

9. The learned counsel for the appellant/Insurance Company has not raised any arguments questioning the negligence as well as liability. Insofar as the contention of the learned counsel for the appellant that the Tribunal went wrong in fixing the income of the deceased as Rs.40,132/- per month and went wrong in adding 40% of the same towards future prospects is concerned, the deceased was aged about 26 years and was unmarried and was working as Assistant Manager, ICICI Bank at Ariyalur Branch. On perusal of Ex-P.9, Pay Slip issued by the ICICI Bank for the month of December, 2021, to April, 2022, reveals that the deceased joined duty on 14.06.2021 in ICICI Bank and in the month of April 2022, he received a salary of Rs.40,132/-. Based on that, the Tribunal has rightly taken the monthly income of the deceased as Rs.40,132/-. Further, as per the decision rendered in *National Insurance Co. Ltd. vs Pranay Sethi and others* reported in **2017 (2) TN MAC 609 (SC)**, 40% towards future prospects was added since the age of the deceased was 26 years at the time of the accident, which in our opinion is just and proper.



C.M.A.No.197 of 2025

WEB COPY

10. In view of above, this Court is of the view that the compensation awarded under all the heads by the Tribunal are reasonable, weight of evidence and based on settled principles and we find no infirmity or illegality in the said findings of the Tribunal.

11. In the result, this Civil Miscellaneous Appeal is dismissed. The appellant / Insurance Company shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, less 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 claimants are permitted to withdraw their share of the award amount on the basis of apportionment fixed by the Tribunal along with proportionate interest and costs, less the amount if any, already withdrawn. Consequently, connected Miscellaneous Petition is closed.

(J.N.B., J.) (R.S.V., J.)
29.01.2025

asi



C.M.A.No.197 of 2025

WEB COPY

To:

The Motor Accidents Claims Tribunal,
Additional District Judge, Ariyalur,



WEB COPY



C.M.A.No.197 of 2025

J. NISHA BANU, J.
and
R. SAKTHIVEL, J.

asi

C.M.A.No.197 of 2025
and C.M.P.No.1543 of 2025

29.01.2025