



**CMA.No.1101 of 2025
and CMP.No.9168 of 2025**

T.V.THAMILSELVI, J.

Today, the matter is listed under the caption “for being mentioned“ at the instance of the learned counsel for the respondents 1 to 4.

2. The learned counsel for the respondents 1 to 4 submitted that in the order dated 12.08.2025 in CMA.No.1101 of 2025, in operative portion at paragraph 6, the third respondent was wrongly shown as “minor”. Hence, the operative portion of the order may be corrected accordingly.

3. In view of the above submission, the Registry is directed to substitute paragraph 6 in the order dated 12.08.2025 with the following text:

“6. After deducting 10% towards contributory negligence the claimants are entitled to Rs.36,41,040/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is reduced to Rs. 36,41,040/-. The appellant is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation, to the credit of MCOP.No.9/2018, on the file of the MACT, Sub Court, Pollachi, within a period eight weeks from the



date of receipt of a copy of this judgement. The first respondent is entitled to Rs.11,00,000/-, second and third respondents are entitled to Rs.9,00,000/- each, and fourth respondent is entitled to Rs.7,41,040/-. Share of the Second respondent (minor) shall be deposited in a Nationalized bank till he attains majority and the natural guardian of the minor is permitted to withdraw the interest amount. On such deposit, the other claimants are permitted to withdraw the award amount by making formal application before the Tribunal. The appellant may deduct the amount, if any already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).”

4. In all other respects, the order dated 12.08.2025, shall remain unaltered. The Registry is directed to carry out the necessary correction and issue a fresh order copy to the parties forthwith.

05-01-2026

pvs
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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CMA.No.1101 of 2025



T.V.THAMILSELVI J.
pvs

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05-01-2026



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CMA.No.1101 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1101 of 2025

AND

CMP NO. 9168 OF 2025

1. M/s.National Insurance Company
Limited
Rep. by its Manager, R.P.Towers,
Second Floor, Coimbatore Road,
Pollachi.

Appellant(s)

Vs

1. Mayadevi
W/o.Late Sathish, Residing at No.8/13
Govt.School Street, Anaimalai, Pollachi
Tk.,

2.Minor Pranesh
S/o.Late Sathish, Rep. by his mother
Mayadevi as next friend and natural
Guardian, No. 8/13, Government school
street, Anaimalai, Pollachi Taluk

3.Manohar
S/o.Parthasarathy, No. 8/13,
Government school street, Anaimalai,
Pollachi Taluk

4.Santhi
W/o.Manohar, No. 8/13, Government
school street, Anaimalai, Pollachi Taluk

5.R Vadivel
S/o.Rasu, No.32, Old Police Station
road, Dharapuram

6.Wassya Inter Trade Private Limited



Old No.59/1, New No. 59/B,
Vakkampalayam Village, Pollachi
Taluk.

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Respondent(s)

PRAYER

To set-aside the decree and judgement passed in MCOP.No.9/2018, dated 06-09-2024, on the file of the MACT, Sub Court, Pollachi.

CMA No. 1101 of 2025

For Appellant(s): Mrs.N.B.Surekha

For Respondent(s): MR. Ma.P.Thangavel FOR R1 to
R4

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set-aside the decree and judgement passed in MCOP.No.9/2018, dated 06-09-2024, on the file of the MACT, Sub Court, Pollachi.

2. On 17.06.2017 at about 05.30 p.m when the deceased Satheesh was riding Honda Unicorn Motorcycle bearing registration No. TN 41 AC 5717 toward East to West in Pollachi to Meenkarai Road, near Nanjaegounderpudur Bus Stop, at that time, the first respondent drove the Eicher Van bearing registration No. TN 41 AH 6435 in a rash and negligent manner and dashed against Satheesh due to which he sustained greivous injuries all over the body and died. Thereafter, the claimants filed the appeal before the tribunal claiming compensation and the respondents contested the case by filing counter. After



considering the oral and documentary evidence the tribunal awarded compensation. Challenging the award passed by the tribunal the Insurance company filed this appeal.

3. The learned counsel for the appellant submits that at time of the accident the deceased has not wore the helmet due to which he sustained head injuries and died. But the tribunal has failed to fix contributory negligence upon the deceased. Further, he pointed out that as per the income certificate/Ex.P5 the deceased has received Rs.18,331/- with allowance after deduction it comes around Rs.16,470/-. Hence he prays to modify the income fixed by the tribunal and set aside the award passed by the tribunal.

4. The learned counsel for the respondent submits that tribunal has rightly fixed compensation which needs no interference.

4. On perusal of the records, it reveal that before the Trial Court there is no contra evidence produced on the side of the appellant to prove that the deceased not wear the helmet at the time of the accident. However the nature of head injury sustained by the deceased shows that the deceased not wear helmet. Hence, this Court is inclined to fix 10% contributory negligence upon the deceased.

5. In respect of fixation of notional income, the deceased has received Rs.18,331/- from the employer, who was examined as witness however the Tribunal fixed only Rs.18,000/- as income of the deceased as such needs no interference. Further, while fixing compensation the tribunal has taken 50% as



future prospectus which is excessive. Hence, this Court is inclined to reduce the future future prospectus from 50% to 40%. Accordingly, the claimant is entitled to Rs. 38,55,600/- under the head of loss of dependency. Further, the tribunal has awarded very less amount under the head of loss of love and affection. Hence, this Court is inclined to fix Rs.1,20,000/- under the head of love and affection.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs. 41,51,000/-	Rs.38,55,600/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.40,000/-	Rs.40,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Loss of love and affection	Rs.45,000/-	Rs.1,20,000/-
	Total	Rs.42,51,000/-	Rs. 40,45,600/-

6. After deducting 10% towards contributory negligence the claimants are entitled to Rs. 36,41,040/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is reduced to **Rs. 36,41,040/-**. The appellant is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP.No.9/2018, on the file of the MACT, Sub Court, Pollachi, within a period eight weeks from the date of receipt of a copy of this judgement. The first respondent is entitled to Rs.11,00,000/-. Second and third minor respondents are entitled to Rs. 9,00,000/- each and their share shall be deposited in the Nationalized bank till they attaining their majority and the



minors are permitted to withdraw the interest amount and fourth respondent is entitled to Rs. 7,41,040/-.On such deposit, the claimants are permitted to

withdraw the award amount by making formal application before the Tribunal.

The respondent may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

12-08-2025

pbl

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The MACT, Sub Court, Pollachi.

2. The Section officer, V. R Section High Court, Madras.



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