IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2255 of 2025
AND
CMP NO. 19063 OF 2025

Reliance General Insurance Company Ltd
Plot No.HIG-55, Shri Meenakshi Plaza, 1st
Floor, 80 Feet road, Annanagar, Madurai

Appellant

Vs

1. Sangeetha

2.Yuavaraj

3.Selvi

Respondents

CMA No. 2255 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Order dated 25.11.2024 passed in MCOP.No. 24 of 2023 on the file of MACT Sub Judge, Paramathi.

For Appellant(s): Mr.P.Suresh Srinivasan

JUDGMENT

Challenging the impugned award passed by the Motor Accident Claims Tribunal, Sub-Judge, Paramathi in MCOP No.24 of 2023, dated 25.11.2024, the appellant/2nd respondent insurance company preferred this Civil Miscellaneous Appeal.

2.The learned counsel for appellant prayed to set aside the findings of tribunal by raising following grounds :-

(i) The Tribunal has erred in not appreciating the fact that in the written statement contending that they admit the involvement of the alleged accident, however denied allegation of actionable negligence on the part of deceased also equally negligent in the occurrence of the accident. Tribunal without applying any such test has arbitrarily saddled the entire liability on the appellant and as such the judgment is unsustainable and is liable to be set aside.

(ii) The Tribunal went wrong in holding that the alleged accident was caused due to the rash and negligent driving of the driver of motorcycle bearing Regn. No.TN-9=88-W9846 insured with the appellant and went wrong in awarding a huge compensation of Rs.10,11,000/-.

(iii) As the deceased is a minor, the tribunal would have followed the dictum of ***Kishan Gopal and another vs. LaLa and others*** reported in ***2014 (1) SCC 244.***

(iv) The tribunal went wrong in assessing the earnings of the deceased as Rs.5000/- per month without any basis.

(v) It is humbly submitted that learned Tribunal erred by considering the interest on entire awarded amount. The interest cannot be considered on the future prospective income awarded to the claimants as this amount is paid in advance. The appellant relies on the judgment of *Oriental Insurance vs. Champabati Ray and others* reported in *2020 6 Gauhati Law Reports 521.* Further, before the High Court of Gauhati in *Nasima Begum vs. Keramat Ali and others* in MACP App. No.100/2014 specifically considered that the claimant will not be entitled to interest on the addition of prospective income. Thus, the impugned award is unsustainable in law and on facts and is liable to be quashed and set aside as against the appellant.

Submitting the aforesaid grounds, the learned counsel for appellant argues that deceased was a minor boy and so far as minors are concerned, they are not earning member, but the tribunal applied the multiplier method to award compensation. In respect of that, the award passed by the tribunal is liable to be set aside.

3. On seeing entire findings of the Tribunal, with regard to the fixation of income, the tribunal has relied the dictum laid down in the authorities as follows:-

i) reported in 2019 (1) TNMAC 197 (DB) in the case of Oriental Insurance Co. Ltd. vs. Minor Soundarya

ii) reported in 2022 Live Law (SC) 892 in the case of Harishkumar vs. Suthirnaagar

iii) C.M.A.No.847 of 2022 dated 17.03.2023 in the case of R.Booma vs. New India Life Insurance Co. Ltd.

By relying the aforesaid authorities, the tribunal had rightly fixed monthly income as Rs.5000/- to the minor deceased, who is aged about 5 years. Therefore, the reasons assigned by the tribunal for awarding compensation is reasonable one, which needs no interference. Accordingly, this Civil Miscellaneous Appeal is dismissed and the findings of the tribunal in MCOP.No.

24 of 2023 is confirmed. The appellant insurance company is directed to deposit the compensation as awarded by the tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the respondents 1 and 2 are permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

18-08-2025

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

To

1. Motor Accident Claims Tribunal, Subordinate Court, Paramathy.

2. Section Officer, VR Section, Madras High Court.

T.V.THAMILSELVI J.

rpp

**CMA No. 2255 of 2025
AND CMP NO. 19063
OF 2025**

18-08-2025