



CMA. No.1988 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM :

**THE HON'BLE MR. JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

CMA.No.1988 of 2025
and CMP.No.17367 of 2025

Reliance General Insurance Company Ltd.,
Reliance Tower, No.6, Haddows Road,
Nungambakkam, Chennai.

....Appellant

-VS-

R.Aniruddh (deceased)
1.S.Gayathri
2.K.Ramanan
3.J.Mohan Raj

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order dated 17.12.2024 passed in M.C.O.P.No.5344 of 2018 on the file of MACT Spl-II, Small Causes Court, Chennai.

For Appellant : Mr.P.Suresh Srinivasan
For Respondent : M/S.V.Ramya V. Rao



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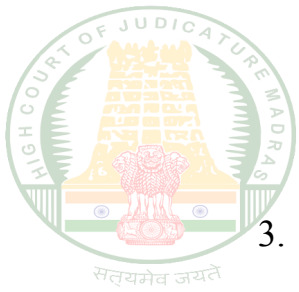
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JUDGEMENT

(Judgment was delivered by P.DHANABAL, J.)

With the consent of both side counsels, this appeal has been taken up for disposal at the admission stage itself.

2. This Civil Miscellaneous Appeal has been filed against the fair and decreetal order passed by the Motor Accident Claims Tribunal (Special-II), Small Causes Court, Chennai in M.C.O.P.No.5344 of 2018 dated 07.12.2024, wherein the respondents 1 and 2 herein along with deceased R.Aniruddh, had filed a claim petition seeking Rs.2.5 crores as compensation for the death of Aniruddh. Initially the said Aniruddh himself had filed the claim petition for the injuries sustained by him, and thereafter, he died due to the injuries sustained from the accident. Therefore, the legal heirs of the deceased Aniruddh continued the proceedings, and an award was passed for Rs.88,86,000/- with interest at 7.5 % per annum from the date of petition till the date of its realisation of the petition. Aggrieved by the said order, the insurance company filed this appeal.



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3. Before the Tribunal, the claimants filed petition for compensation alleging that the 1st petitioner namely Ariruddh on 05.05.2017 at about 17.00 hours while he was riding his motorcycle bearing registration No.TN 13 H 1513 from Vavin to Ambattur, at that time, a Mahindra Tourist Van bearing registration No.TN 18 AA 1318, driven by its driver in a rash and negligent manner dashed against the two wheeler, thereby the rider of the two wheeler sustained grievous injuries and he fell into a coma stage. The alleged accident occurred due to the negligence on the part of the driver of the Mahindra van. Therefore, through his guardian/father, they filed a claim petition seeking of Rs.2.5 Crores as compensation also stating they incurred Rs.1 Crore in medical expenses. Therefore, the claimants claimed a sum of Rs.2.5 Crores. During pendency of the petition, the deceased died due to the injuries sustained in the accident.

3.1. The appellant herein being the 2nd respondent in the main claim petition, filed a counter statement that the alleged accident was occurred due to the negligence on the part of the rider of the two wheeler and there was no negligence on the part of the driver of the Mahindra Van. The compensation claimed by the claimants was highly exaggerated and baseless and therefore,



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the petition is liable to be dismissed.

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3.2. Based on the aforesaid pleadings, the Tribunal framed points for consideration that (i) whether the accident took place due to the negligence on the part of the driver of the van (ii) whether the deceased died due to the accident and (iii) whether the petitioners are entitled to compensation. Before the Tribunal P.W.1 and P.W.2 were examined and Ex.P1 to P32 were marked. On the side of the insurance company no oral or documentary evidences were adduced. Thereafter the Tribunal awarded a sum of Rs.88,86,000/- as compensation. Aggrieved by the said order, the insurance company has preferred this appeal by disputing the negligence and quantum of the amount.

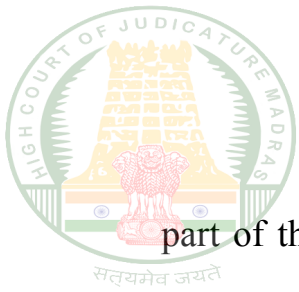
4.The learned counsel appearing for the appellant would submit that the accident took place due to the negligence on the part of the rider of the motorcyclist. Therefore, the Tribunal ought to have fixed contributory negligence to the rider of the two wheeler and failed to fix the negligence on the part of the deceased. The rider of the two wheeler had no any valid license. Therefore, the Tribunal ought to have fixed liability on the side of the rider of the two wheeler. The driver of the van was no way responsible for the accident.



More over, the Tribunal has taken the income of the deceased as Rs.15,000/- per month. In fact, he was a college student studying at SRM Engineering College, Vadapalani. Therefore, the notional income fixed by the Tribunal is on the higher side and the award passed by the Tribunal has to be set aside.

5. The learned counsel appearing for the respondent would submit that on 05.05.2017, while the deceased was riding his two wheeler, the driver of the van bearing registration No.TN 18 AA 1318, insured with the appellant's insurance company, drove the vehicle in a rash and negligent manner and dashed against the motorcyclist and as a result, he sustained injuries. They incurred medical expenses more than Rs.1 Crore. Due to the accident, he was in a coma stage and was taking treatment at Appollo hospital, and he subsequently died due to the injuries sustained in the accident. Therefore, the accident took place due to the negligence on the part of the driver of the Van.

5.1. In order to prove the case of the claimants, before the Tribunal, they examined PW.1 and P.W.2 and marked Ex.P1 to P32. On the side of the respondents, no oral or documentary evidences were adduced. PW2, an eyewitness to the occurrence, categorically deposed about the negligence on the



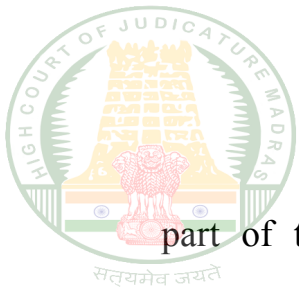
part of the Van driver, and thereby, the claimants have proved the negligence

on the part of the driver of the Van. Therefore, the Tribunal correctly fixed liability on the side of the van driver. As far as the quantum of compensation is concerned, the deceased was a B.Tech Engineering College student, and the Tribunal fixed a notional income of Rs.15,000/- per month and the same is reasonable one. Therefore, the Tribunal had taken into consideration of all the aspects awarded a reasonable amount. Therefore, the award is just and fair, and the appeal is liable to be dismissed.

6. This Court heard both sides and perused the records.

7. Now the point for determination is whether the findings of the Tribunal that the accident took place due to the negligence of the van driver and fixing notional income of the deceased as Rs.15,000/- are sustainable?

8. In this case, there is no dispute in respect of the involvement of the vehicle in the accident, and the said vehicle was insured with the appellant insurance company. Before the Trial Court, the Tribunal framed points for determination: Whether the accident took place due to the negligence on the



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part of the driver of the van and whether the petitioners are entitled to compensation. The Tribunal fixed liability and negligence on the part of the driver of the Van and awarded compensation by taking a notional income of Rs.15,000/- per month.

9. As far as the negligence aspect is concerned, the claimants contention is that the accident took place due to the negligence on the part of the driver of the van, which insured with the appellant insurance company. In order to prove the same before the Tribunal, they examined PW.2, who is an eye witness to the occurrence and he categorically deposed about the negligence on the part of the driver of the van. An FIR (EX.P1) was also registered against the van driver and subsequently, the investigating agency also filed a final report as against the van driver. Therefore, the claimants have proved the negligence on the part of the van driver. Whereas, the insurance company denied the negligence on the part of the driver of the van but however they have not examined any witness to rebut the evidence of the claimants before the Tribunal. Therefore, they failed to establish that the accident took place due to the negligence on the part of the rider of the motorcyclist. Consequently, the Tribunal, after analyzing the evidence, correctly came to the conclusion that the accident took place due to



the negligence on the part of the van driver. Therefore, the aforesaid order of the Tribunal is based on the evidences and records and it doesn't warrant interference.

10. As far as the quantum is concerned, the Tribunal fixed the notional income as Rs.15,000/- per month. Admittedly, the deceased was aged about 19 years and an Engineering B.Tech college student. Therefore, the Tribunal taken the reasonable income of Rs.15,000/- per month. Even as per the Andal's case, for the year 2017, the cost of inflation index and the notional income was Rs.13,302/-; there is no much difference between Rs.13,302/- and 15,000/-. Since the deceased was an engineering college student, the notional income fixed by the Tribunal is reasonable. Therefore, this Court need not interfere with the income fixed by the Tribunal.

11. There is no dispute, that the deceased was aged about 19 years and a multiplier of 18 was adopted. The Tribunal also awarded Rs.80,000/- for the loss of love and affection, Rs.15,000/- for loss of estate and Rs.15,000/- for funeral expenses. The Tribunal also admitted the medical bills for a sum of Rs.65,07,992/- and awarded a total sum of Rs.88,86,000/-. Therefore, there is



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no any error in awarding the compensation to the claimants. The award passed by the Tribunal is just and fair and it does not warrant interference.

12. In view of the above said discussions, this Court is of the opinion that this civil miscellaneous appeal has no merits and deserves to be dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K,J.] [P.D.B, J.]
24.07.2025

Internet : Yes
Index : Yes / No
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To

The learned Motor Accident Claims Tribunal (Special-II),
Small Causes Court, Chennai



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P.DHANABAL, J.**

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