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CMA.No. 902 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.902 of 2025 and
CMP No.7321 of 2025

Reliance General Insurance Co. Ltd.,
Motor third party claims,
No.66, Haddows Road, Nungambakkam,
Chennai 600 034.

... Appellant

Vs.

1. A.Murugesan
2 . M.Selvi

3. P.Prakash

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the judgment and decree dated 24.04.2023 made in MCOP No.622 of 2017 on the file of the III Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

For appellant : Ms.R.Sreevidhya

For Respondents : Mr.K.Balani for 1st and 2nd respondents



CMA.No. 902 of 2025

WEB COPY

JUDGMENT

Aggrieved by the quantum of compensation awarded by the Tribunal, the insurance company has come before this court by filing the present appeal.

2. It is not in dispute that the daughter of the claimants/respondents 1 and 2 herein, namely M.Gayathri, died in a road accident that had occurred on 13.10.2016. At the time of accident, the deceased was a II year B.Com Student. According to the claimants the deceased alighted from MTC bus and was proceeding towards her college accompanied by other 2 students and when she came near SPIC MFL, Anna Salai, a tanker lorry insured with the appellant came in a rash and negligent manner and hit against the deceased. As a result of the accident she and other two students also died on the spot. Hence, the claimants have filed claim petition seeking compensation of Rs.46,12,000/- before the Tribunal.

3. The Tribunal based on the evidence available on record, came to the conclusion that the accident had occurred only due to the rash



CMA.No. 902 of 2025

WEB COPY

and negligent driving of the driver of the lorry, insured with the appellant herein and quantified the compensation payable to the claimants at Rs.23,78,000/-. Aggrieved by the quantum of compensation awarded by the Tribunal, the insurance company has come before this court by filing the present appeal.

4. Both the learned counsel for the appellant and the respondents 1 and 2 have not raised any points on the questions of liability and negligence and hence, the facts necessary to decide those points are not discussed in this appeal.

5. The learned counsel for the appellant/insurance company would submit that the deceased was only a B.Com student and hence, the Tribunal committed an error fixing notional income at Rs.15,000/- per month.

6. The learned counsel for the respondents 1 and 2/ claimants would submit that the Tribunal fixed notional income by taking into consideration the potentiality of the deceased and therefore, the



CMA.No. 902 of 2025

WEB COPY

compensation awarded by the Tribunal is reasonable one.

7. It is not in dispute that at the time of accident, the deceased was a B.Com-II year student at Chellammal College, Chennai. Ex.P8 is the mark sheet issued to the deceased. Ex.P7 is the fees receipt issued by the College. Having regard to the date of accident and the potentiality of the deceased, who was a B.Com student, she would get employment immediately after completion of the course and hence, this court feels that a sum of Rs.15,000/- fixed by the Tribunal as notional income of the deceased appears to be reasonable. Therefore, the appellant has not made out a case to interfere with the quantum of compensation awarded by the Tribunal under the head loss of dependency.

8. As far as the compensation awarded under the heads loss of filial consortium, loss of estate and funeral expenses are concerned, the same are in accordance with the law laid down by the Apex Court in ***Pranay Sethi Case***. Therefore, there is nothing to interfere with the compensation awarded by the Tribunal.



CMA.No. 902 of 2025

WEB COPY

9. Accordingly, this civil miscellaneous appeal is dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10. The **appellant** is directed to deposit the compensation amount as awarded by the Tribunal, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants shall be permitted to withdraw the compensation amount along with interest and costs, less the amount if any, already withdrawn, by making formal application before the Tribunal. There shall be no order as to costs. Connected miscellaneous petition is closed.

26.03.2025

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
mst
To

1. The III Judge,
Motor Accident Claims Tribunal,
Court of Small Causes, Chennai.



CMA.No. 902 of 2025

WEB COPY 2. The Section Officer,
V.R. Section, Madras High Court.



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CMA.No. 902 of 2025

S.SOUNTHAR, J.

mst

CMA No.902 of 2025

26.03.2025