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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2020 of 2025

and

C.M.P.No.17760 of 2025

The Manager
Reliance General Insurance
Company Ltd.,
Reliance House, 4th Floor,
No.6 Haddows Road,
Chennai – 600 006.

... Appellant

Vs.

1.Uma
2. Hemashi
3. Lakshmi
4. M/s Sugumaran

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 03.07.2024 made in MCOP No.874 of 2022 on the file of the Motor Accident Claims Tribunal (II Court of Small Causes) Chennai and pass orders.

For Appellant : Mr.R. Sree Vidhya
For Respondents 1 to3 : K. Varadhakamaraj



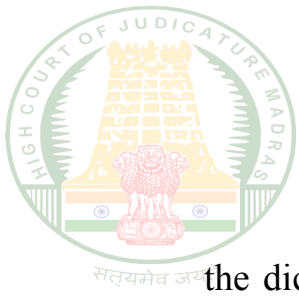
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JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Insurance Company, challenging the quantum of compensation awarded by the Claims Tribunal.

2. According to the claimants, on 03.02.2022 at about 15:30 hours when the deceased was riding motor cycle bearing Reg No. TN-20-CD-1103 from Pallipet towards Nediya, Pallipet Nagari main road, the first respondent goods vehicle bearing Reg.No.TN 73-S-1418 came in the opposite direction and dashed against the deceased who was riding his motor cycle and thereby the deceased sustained fatal injuries and died on the same day. Claiming that the owner of the goods vehicle and the Insurance Company upon which the vehicle was insured are liable to pay the compensation, the Legal heirs of the deceased filed a claim petition seeking compensation. As against the said claim, the Tribunal has awarded a sum of Rs.28,37,500/- as total compensation, against which, the Insurance Company has filed the Appeal.

3. The Tribunal, based upon the facts, materials, evidence and also



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the dictum laid down in the decisions of the Apex Court, has calculated the loss of dependency as Rs.26,88,000/-, Loss of spouse consortium, Loss of parental consortium and loss of filial consortium each Rs.44,000/-. Further, awarded Rs.16,500/- towards funeral expenses and Rs.1,000/- towards loss of estate and the total compensation has been estimated at Rs.28,37,500/-.

4. This Court is of the opinion that the compensation awarded by the Tribunal is reasonable, weight of evidence and based on settled principles and therefore, there is no ground to interfere with the judgment passed by the Tribunal below. Further, the grounds taken by the Insurance Company on the point of liability cannot be raised at this stage and therefore, the same are not accepted at this distant point of time. That apart, the Tribunal has not awarded any sum towards non-pecuniary damages. Therefore, the grounds raised by the Insurance Company are liable to be rejected accordingly. The compensation awarded by the Tribunal is just, fair and reasonable.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No



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costs. 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 or uploading of a copy of this order. On such deposit being made by the appellant, the respondents/claimants are at liberty to withdraw the same, as per the apportionment made by the tribunal, after following due process of law. Consequently, the connected Miscellaneous Petition is closed.

25.07.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To
1. The Motor Accident Claims Tribunal
(II Court of Small Causes) Chennai

2. The Section Officer,
V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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