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CMA No. 556 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 556 of 2024

AND

CMP NO. 5508 OF 2024,CROS.OBJ NO. 3 OF 2025

1. The United India Ins Company Ltd
14/1-77 B Salem Main Road,
Puduchampalli, Mettur Dam 636 403

Appellant(s)

Vs

1. Rangasamy @ Rajendran Died 1.
R.Subbulakshmi
W/O. Rangasamy @ Rajendran, Res at,
Puliyamarathottam, Pethikuttai
Irumparai, Sirumugai Post,
Mettupalayam Taluk, Coimbatore
District Now Res at D.No.35, Nehru
Nagar, Backside Of Ayyappan Koil,
Punjai Puliyampatty And Post,
Sathyamangalam Tk, Erode Dt

2.R.Sumathi
W/O. Rangasamy, Res at,
Puliyamarathottam, Pethikuttai
Irumparai, Sirumugai Post,
Mettupalayam Taluk, Coimbatore
District Now Res at D.No.35, Nehru



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Nagar, Backside Of Ayyappan Koil,
Punjai Puliampatty And Post,
Sathyamangalam Tk, Erode Dt

3.R.Ravichandran @ Ravivandran
S/o. Rangasamy @ Rajendran, Res at,
Puliyamarathottam, Pethikuttai
Irumparai, Sirumugai Post,
Mettupalayam Taluk, Coimbatore
District Now Res at D.No.35, Nehru
Nagar, Backside Of Ayyappan Koil,
Punjai Puliampatty And Post,
Sathyamangalam Tk, Erode Dt

4.A.D.Sampath
S/O. Thangavel, No.9, Mudhaliyar St,
Athyur Post Bhavani Tk, Erode Dist

5.S.Vijayalakshmi
W/O. T.K.V.Shanmugam, 554, Main
Road, Bhavani Post, Erode Dist 638
301

Respondent(s)

CROS.OBJ No. 3 of 2025

1. R.Subbulakshmi
W/o.Rangasamy @ Rajendran, res at
Puliamarathottam, Pethikuttai,
Irumparai, Sirumugai Post,
Mettupalyam Taluk, Coimbatore
District Now res at D.No.35, Nehru
Nagar, Backside of Ayyappan Koil,
Punjai Puliampatti and Post,
Sathyamangalam Taluk, Erode District.



2.R.Sumathy

W/o.Ramasamy, res at

Puliamarathottam, Pethikuttai,

Irumparai, Sirumugai Post,

Mettupalyam Taluk, Coimbatore

District Now res at D.No.35, Nehru

Nagar, Backside of Ayyappan Koil,

Punjai Puliampatti and Post,

Sathyamangalam Taluk, Erode District.

3.R.Ravichandran

S/o.Rangasamy @ Rajendran (Died),

res at Puliamarathottam, Pethikuttai,

Irumparai, Sirumugai Post,

Mettupalyam Taluk, Coimbatore

District (Amended as per order in IA

No.778/2017, dt. 17.06.2017) Now res

at D.No.35, Nehru Nagar, Backside of

Ayyappan Koil, Punjai Puliampatti and

Post, Sathyamangalam Taluk, Erode

District.

Appellant(s)

Vs

1. The United India Insurance Co. Ltd.

14-1/77B, Salem Main Road,

Puduchampalli, Mettur Dam-636403

2.A.D.Sampath

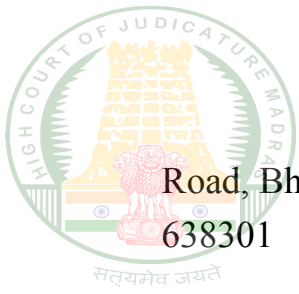
S/o.Thangavel, No.9, Mudaliyar Street,

Anthiyur Post, Bhavani Taluk, Erode

District

3.S.Vijayalakshmi

W/o.T.K.V.Shanmugam, 554, Main



Road, Bhavani Post, Erode District-
638301

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Respondent(s)

CMA No. 556 of 2024

PRAYER

To set aside the Award and Decree Dated 05.10.2017 made in MCOP.No. 360 of 2012 on the file of the Motor Accident Claims Tribunal, Sub Judge, Sathyamangalam.

CROS.OBJ No. 3 of 2025

PRAYER

To set aside negligence and to enhance the award in MCOP No.360/2012 on the file of Motor Accidents Claims Tribunal, Sub Judge, Sathyamangalam

CMA No. 556 of 2024

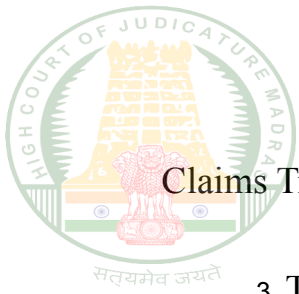
For Appellant(s): C.Paranthaman

For Respondent(s): V/r. M/s. P. Saleem Fathima Rr 1
To 5

COMMON JUDGEMENT

CMA No. 556 of 2024 has been filed to set aside the Award and Decree Dated 05.10.2017 made in MCOP.No. 360 of 2012 on the file of the Motor Accident Claims Tribunal, Sub Judge, Sathyamangalam.

2. Cross Objection No. 3 of 2025 has been filed to set aside negligence and to enhance the award in MCOP No.360/2012 on the file of Motor Accidents

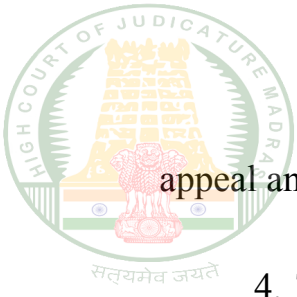


Claims Tribunal, Sub Judge, Sathyamangalam

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3. The brief facts of the case:

On 01-07-2012 at about 16.30 Hrs the petitioner was riding his motor cycle TVS XL Super bearing registration number TN-40-E-2587 on Sirumugai to Sathy main road road near Gooddown bridge from South to North direction on the extreme left side of the road at moderate speed. At that time the Tempo bearing registration number TN-36-U 8388 was coming in the opposite direction with high speed and in a rash and negligent manner and without using horn, without observing the road rules and hit against the deceased motor cycle. Due to the ill fated accident the deceased has sustained greivous injuries on the left leg the left leg was amputated, and greivous injuries all over the body. Immediately after the accident the deceased has been admitted at Government Hospital Mettupalayam and further Treatment at Ramakrishna Hospital Coimbatore and he was died on 19.09.2012. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The Insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs.6,59,447/- as compensation. Challenging the award passed by the tribunal insurance company filed the



appeal and the claimants filed the cross objection.

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4. The learned counsel for the Insurance company submits that no post mortem was done by the hospital authorities and charge sheet has not converted into 304 A IPC without which tribunal has erroneously awarded compensation by adopting multiplier method. Further, he submits that the accident happened due to the negligence of the both the deceased and driver of the vehicle therefore, the tribunal ought to have fixed 50:50 contributory negligence but it failed. Hence, he prays to set aside the award passed by the tribunal.

5. The learned counsel for the claimants submit that the tribunal ought to have adopted 11 multiplier instead it adopted 9 multiplier. Hence, he prays to enhance the compensation.

6. On perusal of the records, it clearly shows that the deceased died due to the accident. Hence, the objection raised by the insurance company is unsustainable. Accordingly, the appeal filed by the insurance company in CMA No. 556 of 2024 is dismissed.

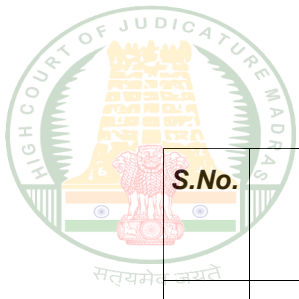


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7. In respect of cross objection filed by the claimants, this Court is inclined to fix 11 multiplier. Further, the accident was happened in the year 2015. Hence, this Court is inclined to fix Rs.10,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs.8,80,000/- {10,000x12x11-(1/3)}. Further, the tribunal has excessively awarded a sum of Rs. 2,80,000/- under the head of love and affection. Hence, this Court is inclined to reduce award amount from Rs.2,80,000/- to Rs.1,00,000/- under the head of love and affection. Further, this Court inclined to reduce contributory negligence from 25% to 15% on the part of the deceased.

8. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Loss of dependency	Rs.3,60,000/-	Rs.8,80,000/-
2.	Loss of Income	Nil	Nil
3.	Medical Expenses	Rs.2,14,263/-	Rs.2,14,263/-
4.	For love and affection	Rs.2,80,000/-	Rs.1,00,000/-
5.	Extra Nourishment	Nil	Nil
6.	Attender charges	Nil	Nil
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
9.	Funeral expense	Rs.25,000/-	Rs.25,000/-
10	Total	Rs.8,79,263/-	Rs.12,19,263/-

9. After deducting 15% contributory negligence, the claimants are entitled to Rs.10,36,380/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.10,36,380/-**. The Insurance Company/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. 360 of 2012 on the file of the Motor Accident Claims Tribunal, Sub Judge, Sathyamangalam, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

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

16-06-2025

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W/O. T.K.V.Shanmugam, 554, Main
Road, Bhavani Post, Erode Dist 638
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6. The Section Officer, V.R Section,
High Court, Madras.

7. The Motor Accident Claims
Tribunal, Sub Judge, Sathyamangalam.



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CMA No. 556 of 2024



T.V.THAMILSELVI J.

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