IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 4587 of 2019
and
C.M.P. Nos. 26039 and 26041 of 2019

United India Insurance Company Limited,
No.24, Whites Road,
Chennai-600 014.
through United India Insurance Company Limited,
No.134, Silingi Buildings,
4th Floor, Greams Road,
Chennai-600 006.

...Appellant(s)

Vs

1. S. Narayani

2.S. Nesamani

3.S. Durairaj

4.A. Kuppusamy,

5.W. Sornakumar

6.V. Raghupathi

...Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 21.07.2015 passed in M.A.C.T.O.P.No.4638 of 2012 on the file of the learned III Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai.

For Appellant(s):	Mr.P.Sankaranarayanan
For Respondent(s):	Mr.K.Natarajan for R1 to R4
	Mr.Eswar Kumar for R6
	R5 - No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant/United India Insurance Company, challenging the award passed by the Motor Accident Claims Tribunal, wherein liability was fastened upon the appellant for the accident dated 12.09.2011 involving the vehicle bearing Registration No. TN-19-E-1136.

2.The case of the claimants is that the deceased Sankaran, a pedestrian, was walking from his village towards Vadanemmeli, near the Crocodile Bank, to purchase provisions. At that time, a Tata Sumo bearing Reg.No.TN-19-

E-1136, proceeding from Chennai to Pondicherry, hit him and fled the scene. The deceased died on the spot. The petitioners who are the wife, children and the father of the deceased, claimed compensation of Rs.20,00,000/- for the death of Sankaran.

3.The Tribunal after analysing the oral and documentary evidence awarded a sum of Rs.9,25,000/- towards compensation which is payable by the Insurance Company. Aggrieved by the fastening of liability, the insurer has preferred this Civil Miscellaneous Appeal.

4.The learned counsel appearing for the appellant would submit that the Tribunal failed to consider that Ex.P6 - Registration Certificate of the alleged accident vehicle TN-19-E-1136, corresponds to Engine No. 473DL56CYY706356 and Chassis No. MAT4460J4B9CJO584, registered before the RTO, Chengalpet. It is submitted that Ex.P-8, bearing Policy No. 0209003111-0110051005, covers the period from 20.12.2011 to 19.12.2012 and corresponds to a different vehicle, namely, Engine No. 483DL56PYY720889 and Chassis No. MAT44601489P37751. Thus Ex.P-6 - Registration Certificate and Ex.P.8 -Insurance Policy, relate to two entirely different vehicles.

Therefore, the accident vehicle No.TN-19-E-1136 was not insured with the appellant on the date of the accident. The appellant further submits that the owner of TN-19-E-1136 produced the above unrelated policy (Ex.P-8) for brake testing on 30.07.2012 (Ex.P-9) after the accident. He would submit that only upon recent internal investigation, the appellant discovered that Ex.P-8 actually belongs to the vehicle TN-19-E-7571, also belonging to the 5th respondent, but not involved in the accident. Hence, the liability cannot be fastened upon the insurer.

5.Per contra, the learned counsel appearing for the claimants would contend that the Tribunal has erroneously fixed the income of the deceased while arriving at the notional income of the deceased at Rs.6,000/- without taking note of the cost of living at that time. He would submit that the Tribunal ought to have awarded more compensation under various heads.

6.Heard the learned counsel appearing on either side and perused the papers.

7.On a perusal of Ex.P.6 - Registration Certificate, it is seen that the Registration Number of the offending vehicle is TN-19-E-1136 and it is Engine No. 473DL56CYY706356 and Chassis No. MAT4460J4B9CJO584, registered before the RTO, Chengalpet. Further, it is seen that Ex.P-8, bearing Policy No. 0209003111-0110051005, covers the period from 20.12.2011 to 19.12.2012 and corresponds to a different vehicle, namely, Engine No. 483DL56PYY720889 and Chassis No. MAT44601489P37751. Thus, the documents are related to two entirely different vehicles. Therefore, on the date of the accident, the accident vehicle No.TN-19-E-1136 was not insured with the appellant Insurance Company. Further, the owner of TN-19-E-1136 produced the above unrelated policy under Ex.P-8 for brake testing on 30.07.2012 (Ex.P-9) after the accident. Thus, the appellant established that the alleged insurance policy is not belonged to the offending vehicle through internal investigation. Hence, the liability cannot be fastened upon the insurer. The Tribunal failed to take note of these facts and erroneously fastened liability on the appellant Insurance Company, as such, is liable to be dismissed. Further, the fact reveals that the 5th respondent W.Sornakumar, who is the owner of the vehicle purchased about fifteen vehicles on the same date. But, the vehicle involved on the date of accident was not insured with the appellant and he has not raised any objections. The 5th respondent, who is the owner of the vehicle remained *ex parte* before the Tribunal. On the same date, many TATA Sumo vehicles have been purchased and the same Agency is used to get the insurance with the United India Insurance Company Limited. Therefore, the specific objections was raised before the Tribunal with regard to the insurance policy.

8.It is a settled principle that the insurance coverage is always vehicle-specific, determined strictly by engine number and chassis number, not merely by registration number. The conduct of the vehicle owner in producing a policy belonging to another vehicle for brake testing after the accident clearly shows an attempt to falsely project insurance coverage. It is thus established that the accident vehicle TN-19-E-1136 was not covered by any policy issued by the appellant on 12.09.2011. Therefore, the insurer is not liable to pay compensation to the claimants. As the owner produced fraudulent documents and as no valid policy existed, the entire liability for payment of compensation is rightly fastened on the 5^{th} respondent/owner. Due to the accident, the deceased died on the spot. Hence, the claimants are entitled to claim compensation from the owner of the vehicle alone.

9.On a perusal of records, it is seen that the deceased was working as a heavy vehicle driver. At the time of death, the deceased was aged 43 years. Hence, the multiplier adopted should be 15. Taking into account the cost of living at that time, the notional income can be enhanced to a sum of Rs.12,000/- per month to which 40% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the monthly income would come to Rs.16,800/-. The annual income would work out to a sum of

Rs.2,01,600/- (Rs.16,800/ x 12 = Rs.2,01,600/-). After deducting 1/4th amount towards his personal expenses, the annual contribution to the family would be a sum of Rs.1,51,200/-. Considering his age, the appropriate multiplier to be adopted is 15. Therefore, the loss of dependency to the family would be a sum of Rs.22,68,000/- (Rs.1,51,200/- x 15 = Rs.22,68,000/-). A sum of Rs.50,000/- granted under the head of loss of consortium to the wife is enhanced to a sum of Rs.80,000/-. Further, a sum of Rs.50,000/- granted under the head of loss of love and affection to the wife, children and the father of the deceased is enhanced to a sum of Rs.80,000/- (Rs.20,000/- x 4 =Rs.80,000/-). In all other respects, the Award remains unaltered. Therefore, taking into consideration the above aspects, the modified amount is as follows:

S.No.	*Description*	*Amount awarded by Tribunal (Rs)*	*Amount awarded by this Court (Rs)*
1.	Loss of dependency	Rs.8,10,000/-	Rs.22,68,000/-
2.	Loss of consortium	Rs.50,000/-	Rs.80,000/-
3.	Loss of love and affection	Rs.50,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
	Total	Rs.9,25,000/-	Rs.24,43,000/-

The enhanced compensation would be a sum of Rs.24,43,000/-

10.Accordingly, this Civil Miscellaneous Appeal is allowed. The findings of the Tribunal fastening liability on the appellant/insurer is set aside. It is hereby held that the appellant/insurer is not liable to pay any compensation. The 5th respondent/owner of the vehicle TN-19-E-1136 shall alone bear the entire liability to pay the compensation awarded by the Tribunal. The 5th respondent, who is the owner of the offending vehicle is directed to deposit the entire compensation amount of Rs.24,43,000/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.A.C.T.O.P.No.4638 of 2012 on the file of the learned III Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default period. On such deposit, the claimants 1 and 4 are permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

11.The share of the minors/2 and 3 claimants shall be deposited in any one of the Nationalised Banks in fixed deposit under the reinvestment scheme initially for a period of three years. The interest accruing on the share of the minors/ 2 and 3 claimants shall be paid to the mother of the minors, once in three months, till they attain majority.

12.According to the appellant Insurance Company, the wife of the 5th respondent W.Sornakumar was employed in the Atomic Centre at Kalpakkam. Now, the legal heirs of the deceased Sankaran is standing before this Court without any support to their life.

Hence, the 5th respondent Sornakumar is restrained not to alienate any four TATA Sumo vehicles standing in his name until the compensation is settled to the claimants as per the Judgment of this Court. Therefore, the wife of the 5th respondent is also jointly liable to pay the compensation to the claimants for the death of the deceased Sankaran, since she is also accountable. Further, the appellant is also permitted to withdraw the amount already deposited at the time of filing of appeal. Consequently, connected Miscellaneous Petitions are closed. No costs.

11-08-2025

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

To

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

Chennai.

2.The Regional Transport Officer,
Chengalpattu Region.

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

T.V.THAMILSELVI, J.

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