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CMA.(MD)No.176 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.12.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

CMA(MD)No.176 of 2025

and

CMP(MD)Nos.2901 & 20084 of 2025

National Insurance Company Ltd.,
Kalaingar Valagam,
Railway Station Road,
Dindigul Town,
Represented by its Divisional Manager.

: Appellant/2nd Respondent

Vs.

1.Lakshmi

2.Priyadarshini

: Respondents 1 & 2 /Petitioners

3.Shanmugam

: 3rd Respondent/1st Respondent

PRAYER :- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 23.09.2024 passed in MCOP No.372 of 2020, on the file of the Motor Accident Claims Tribunal/Additional District Judge, Dindigul.



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For Appellant : Mr.S.Srinivasa Raghavan

For R1 & R2 : Mr.S.Pugalendhi

J U D G M E N T

(Judgment of the Court was made by the Hon'ble R.POORNIMA.J)

This Civil Miscellaneous Appeal has been preferred by the appellant–Insurance Company challenging the award dated 23.09.2024 passed in MCOP No.372 of 2020 on the file of the Motor Accident Claims Tribunal / Additional District Judge, Dindigul.

2.The brief case of the claimants is as follows:-

On 03.06.2020 at about 05.45 p.m., the deceased Sridhar was riding his motorcycle along with one Jothi from Kangeyam towards Muthoor East–West Road. When they were proceeding near Pappini Valaithottapaguthi, a lorry bearing Registration No. TN-28-M-0154 came in the opposite direction in a rash and negligent manner and dashed against the motorcycle. As a result, the deceased was thrown off the vehicle and sustained multiple grievous injuries all over his body.

3. He was immediately taken to the Government Hospital, Kangeyam, and thereafter referred to the Government Hospital, Erode.



However, he succumbed to the injuries on the very same day, i.e.,
03.06.2020.

4. In respect of the said occurrence, a case in Crime No.1503 of 2020 was registered by the Kangeyam Police Station for the offences under Sections 279, 337 and 304-A of IPC.

5. At the time of the accident, the deceased was aged about 25 years and was employed as an Associate – Tool Maintenance in Roots Polycraft Company, Coimbatore, earning a monthly salary of Rs.23,897/-. Claiming a compensation of Rs.30,00,000/-, the legal heirs of the deceased filed the claim.

6. The appellant–Insurance Company filed a counter affidavit disputing the manner of accident, negligence, age, income of the deceased and its liability to pay compensation. It was contended that the accident occurred solely due to the negligence of the deceased, who allegedly rode the motorcycle in a rash manner without adhering to traffic rules.

7. Before the Tribunal, on the side of the claimants, 3



witnesses were examined as P.W.1 to P.W.3 and 8 documents were marked as Exs.P1 to P8. On the side of the Respondents, 2 witnesses were examined as R.W.1 and R.W.2 and no documentary evidence was marked. But through witnesses, 8 documents were marked as Exs.X1 to X8.

8. Upon consideration of the oral and documentary evidence, the Tribunal held that the accident occurred due to the rash and negligent driving of the lorry driver and fixed liability on the insurer. The Tribunal awarded a total compensation of Rs.49,57,880/- with interest.

9. Aggrieved by the said award, the present Civil Miscellaneous Appeal has been filed by the Insurance Company.

10. Heard the learned counsel on either side and perused the material available on records.

11. The principal contention raised by the appellant is with regard to the deduction towards personal expenses. It is contended that the deceased was a bachelor and that the claimants are his mother and sister. According to the appellant, the Tribunal erred in deducting only



one-third of the income towards personal expenses, whereas as per the settled law laid down by the Constitution Bench of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi and others [(2017) 16 SCC 680]*, the deduction ought to have been 50% in the case of a bachelor.

12. It is not in dispute that the deceased was a bachelor at the time of his death. Though the second claimant/sister claimed dependency, in the eye of law, she cannot be treated as a dependent for the purpose of determining personal expenses. As per the dictum laid down by the Constitution Bench of the Hon'ble Supreme Court in *Pranay Sethi's case* in the case of death of a bachelor, 50% of the income has to be deducted towards personal and living expenses.

13. The Tribunal, however, deducted only one-third of the income by relying upon an earlier judgment, which is contrary to the law laid down by the Constitution Bench. Therefore, the deduction made by the Tribunal requires modification.

14. The Tribunal fixed the annual income of the deceased by the evidence of P.W.3, he produced the salary slip of the deceased, it



shows that the deceased was earning Rs.2,92,135/- per annum. The deceased was aged about 24 years at the time of accident, hence 40% for Future Prospectus to be added/ Therefore, a sum of Rs.4,08,989/- (Rs.2,92,135 + 1,16,854 (40%) = Rs.4,08,989/-). The deceased was died as a bachelor, so, deduct half of his income towards his personal expenditure is Rs.2,04,495/-. ($4,08,989 \times 50/100 = \text{Rs.}2,04,494.50\text{p}$. And rounded to Rs.2,04,495/-) The deceased was aged about 24 years, the multiplier 18 is applicable, hence the loss of the income is Rs.36,80,910/- ($\text{Rs.}2,04,495 \times 18 = \text{Rs.}36,80,910/-$).

15. Accordingly, 50% of the monthly income of the deceased is deducted towards his personal expenses. Except for the said modification, the determination of income, multiplier, future prospects, and amounts awarded under other conventional heads are confirmed.

Sl.No	Heads	Award by Tribunal	Award by this Court	Remarks
1.	Loss of Income	Rs.49,07,880/-	Rs.36,80,910/-	reduced
2.	Loss of Love and Affection	Rs.30,000/-	Rs.30,000/-	confirmed
3.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-	confirmed
4.	Transport charges	Rs.5,000/-	Rs.5,000/-	confirmed
Total		Rs.49,57,880/-	Rs.37,30,910/-	modified



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16. In the result The Civil Miscellaneous Appeal is partly allowed. The award passed by the trial Court is modified and the Appellant/ Insurance company is directed to pay a sum of **Rs.37,30,910/-** to the respondents 1 and 2/claimants along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit of the amount, less the amount if already deposited to the credit of MCOP. No.372 of 2020 on the file of the Additional District Court, Motor Accident Claims Tribunal, Dindigul, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the 1st respondent/ 1st claimant is entitled to a sum of Rs.25,00,000/- towards her share and the 2nd respondent/2nd claimant is entitled to a sum of Rs.12,30,910/- towards her share. The respondents 1 and 2/claimants are permitted to withdraw the same, less the amount already withdrawn, if any, together with proportionate interest and costs, by filing an appropriate petition before the Tribunal. No costs. Consequently, the connected miscellaneous petitions are closed.

(G.K.I.J) (R.P.J.,)
18.12.2025

Index:Yes/No
NCC:Yes/No
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To

1.The Motor Accident Claims Tribunal/
Additional District Judge, Dindigul.

2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.

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