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CMA.(MD)No.741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

CMA(MD)No.741 of 2024

and

CMP(MD)No.8199 of 2024

M/s.United India Insurance Company Ltd.,
Represented by its Branch Manager,
No.4/700B, Thanjavur Road,
(Near Sree Sweet),
New Town Bus Stop,
Thiruverambur,
Tiruchirappalli-620 013.

: Appellant/2nd Respondent

Vs.

1.J.Selvam

2.J.Indhuseka

3.J.Priyangaseka

4.J.Aishwaryaseka

5.M.Sarojini

: Respondents 1 to 4/Petitioners

6.A.Kannusamy

: 6th Respondent/1st Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173
of the Motor Vehicles Act, 1988, to set aside the award passed in MCOP
No.167 of 2022, dated 09.01.2024 on the file of the Motor Accident



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Claims Tribunal, Special District Court No.II to deal with MCOP Cases,
Trichirappalli.

For Appellant : Mr.J.S.Murali

For R1 to R5 : Mr.P.Prabhakaran

For 6th Respondent : No appearance

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 is preferred by the Appellant Insurance Company against the award passed in MCOP No.167 of 2022, dated 09.01.2024 by the Motor Accident Claims Tribunal/Special District Court No.II to deal with MCOP Cases, Trichirappalli.

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

On 26.12.2021 at about 08.45 pm, the deceased Jawahar was walking from north towards south from SBI ATM at Valavanthankottai to his IMTI Quarters. When he was nearing the quarters gate, a Hero Honda two wheeler bearing No.TN-81-X-3224 came in a rash and negligent manner and dashed against him. In that process, he was thrown away and sustained head injuries and grievous injuries all over the body.



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Immediately, he was taken to the Government Hospital, Trichy, but he succumbed to injuries on 27.12.2021.

3.Over the occurrence, a case in Crime No.570 of 2021 was registered by the Thuvakudi Police for the offences under Sections 279, 337 IPC @ 304(A) IPC.

4.At the time of the accident, the deceased was 53 years and was working as an Assistant Engineer at Central Government PWD & Research Associates in Irrigation Management Training Institute, Trichy and was earning Rs.70,000/- per month. Claiming compensation of Rs.80,00,000/-, a claim petition was filed by the legal-heirs of the deceased in MCOP No.167 of 2022.

5.Resisting the claim petition, the Insurance Company filed a counter affidavit disputing the manner of accident and also their liability to pay the compensation to the claimants. It is their further case that the occurrence took place because of the negligence on the part of the deceased; Without minding the traffic regulations, he suddenly crossed the road and invited the accident. So, the deceased was alone responsible, for the accident. Further they denied the age and income of the deceased.



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6.Before the Tribunal, on the side of the claimants, 4 witnesses were examined as PW1 to PW4 and 12 documents were marked as Ex.P1 to P12. On the side of the Respondents, no oral and documentary evidence was adduced. But through witnesses, 6 documents were marked as Exs.X1 to X6.

7.At the conclusion of the enquiry, the Tribunal found that the occurrence took place due to the rash and negligent act on the part of the offending two wheeler. So, it fixed the responsibility upon the rider of the two wheeler. The total compensation amount was also calculated as per the settled proposition of law at Rs.69,84,857/-.

8.Against which, this appeal is preferred by the Appellant Insurance Company.

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

10.The occurrence is admitted to have been taken place on 26.12.2021 at about 08.45 pm and it is not disputed a criminal case was registered against the rider of the two wheeler.



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11.The appellant now contended that the occurrence took place due to the negligent act of the deceased. According to the appellant, the deceased suddenly crossed the road without observing the traffic regulations, thereby inviting the accident.

12.PW1 and PW2 are the eye witnesses. PW1 is the wife of the deceased, stated that she was waiting for the return of the deceased, who had gone to withdraw money from SBI ATM, situated near their quarters at walkable distance of about 15 minutes and witnessed the occurrence. PW2, who is the Watchmen of the quarters in which the deceased and his family were residing, also categorically narrated the manner in which the accident took place.

13.Though the appellant contended that the deceased suddenly crossed the road and thereby invited the accident, the appellant has neither examined any witness not produced any documents to substantiate the said contention. Since the appellant failed to prove the grounds raised in the appeal, the Tribunal held that the accident occurred solely due to the rash and negligent driver of the insured vehicle.

14. With regard to the quantum of compensation, the Tribunal



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fixed the monthly income at Rs.65,452/- of the deceased, based on Ex.P4 series (Salary Slips in the month of October 2021 and November 2021) added with 15% of the future prospects. The monthly income fixed by the Tribunal taking into considering the age, and nature of employment of the deceased appears to be reasonable and does not warrant any interference. The multiplier adopted is also in accordance with the guidelines laid down in *National insurance Co. Ltd., v. Pranay Sethi [(2017) 16 SCC 680]* and we find no any fault. The consortium amount also fixed reasonably by taking into account the guidelines. Parental consortium and also other customary heads are also reasonably fixed. The order of the Tribunal needs no interference.

15.In all, we find that the quantum of compensation fixed by the Tribunal is not on the excessive side. So, it is liable to be confirmed.

16.In the result, this Civil Miscellaneous Appeal is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

(G.K.I.J) (R.P.J.,)
04/12/2025

Index:Yes/No
Internet:Yes/No
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To

- 1.The Motor Accident Claims Tribunal/
Special District Court No.II to deal with
MCOP Cases, Trichirappalli.
- 2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN.,J
and
R.POORNIMA, J

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