



CMA(MD). No.191 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE Mr. JUSTICE P.VADAMALAI

**CMA. (MD). No.191 of 2020
and CMP(MD) No.3207 of 2020**

The Manager
Reliance General Insurance Company Ltd.,
3rd Floor, No.29 North Usman Road
T.Nagar, Chennai.

... Appellant

v.

1.Rani

2.Sivakumar

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree passed in MCOP No.1006 of 2015 on the file of the Motor Accidents Claim Tribunal/Special District Judge, Tiruchirappalli dated 29.03.2019.

For Appellant : Mr.V.Sakthivel
For Respondents : Mr.S.Ramsundar Vijayaraj for R1



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JUDGMENT

(Judgment of the Court was delivered by P.VELMURUGAN,J.)

The Civil Miscellaneous Appeal is directed against the judgment and decree passed in MCOP No.1006 of 2015 on the file of the Motor Accidents Claim Tribunal/Special District Judge, Tiruchirappalli dated 29.03.2019.

2. The facts in brief is as follows:

On 19.11.2014, at about 4.30 a.m., the son of the first respondent Anburaj and his friend were proceeding in a TATA SUMO Car bearing registration No.TN 20 BJ 1131 at GST Pallavaram near Megalaya Hotel in the left side of the road. At that time, due to rash and negligent driving of the driver of the car, the car dashed in a tree, due to which, the son of the first respondent died on the spot. Pursuant to the said accident, a case in Crime No.815/2014 for the offence under Sections 297, 337 and 304(A) IPC on the file of the Chrompet Traffic Investigation Police Station, Chennai. The second respondent is the owner of the vehicle. For the death of the son, the first

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respondent/claimant filed a claim petition before the Tribunal claiming 75,00,000/- as compensation along with 24% interest.

3. In order to prove the case of the claimant, before the tribunal, P.Ws.1 to 3 were examined and 9 documents were exhibited. Neither any witness was examined nor any documents were exhibited on the side of the appellant and the 2nd respondent.

4. The tribunal, upon considering the oral and documentary evidence, had come to the conclusion that the accident had occurred due to the rash and negligent driving of the driver of the vehicle. Based on the oral and documentary evidence let in before the tribunal, an amount of Rs.28,30,008/- along with 7.5% interest has been awarded towards compensation and appellant insurance company and the owner of the vehicle are directed to pay the compensation. Challenging the said compensation, the appellant is before this Court.

5. Though the appellant has no grievance with regard to the liability, they are aggrieved by the quantum of compensation awarded,



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particularly, with regard to the deduction made towards personal expenses of the deceased and taking 50% as future prospects. He would submit that the deceased is a Bachelor and instead of deducting 50% towards personal expenses, the Tribunal has deducted 1/3rd, which is erroneous. He would further submit that with regard to future prospects, as per *Pranay Sethi's* case, claimant is entitled only for 40%, however, 50% of the income of the deceased has been taken into consideration towards future prospects, which is also found to be erroneous. On these grounds, the learned counsel prays for interference.

6. Per contra, the learned counsel for the 2nd respondent would submit that the Tribunal, after analyzing the salary certificate Ex.P9 coupled with the evidence of the employer P.W.3 and the claimant/mother is a dependant of the deceased, had rightly come to the conclusion and had granted Rs.28,30,008/-, which is found to be just and reasonable and hence, prays for dismissal.

7. We have considered the rival submissions and perused the materials available on record.



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8. It is true that the deceased is a bachelor and an Engineering Graduate and was earning a sum of Rs.12,963/- per month at the time of accident. It is also not disputed that the mother is the only dependant of the deceased. The appellant is not challenging the award of the Tribunal on liability and quantum alone is challenged, however, with respect to the future prospects and the deduction made towards personal expenses of the deceased. The deceased is 24 years at the time of accident. As per the decision rendered in *National Insurance Co. Ltd., v. Pranay Sethi and other [2017 (2) TNMAC 609(SC)]*, the deduction made towards future prospects is only 40%. Since the Tribunal has deducted 50% towards future prospects, the same is liable to be interfered with. Accordingly, 40% of the salary is taken in to consideration for the future prospects instead of 50%.

9. As far as deduction made towards personal expenses is concerned, the Tribunal has taken 1/3rd reduction towards personal expenses, however, since the deceased is a bachelor and aged 24, 50% is to be deducted towards personal expenses, which is just and reasonable.



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Accordingly, towards personal expenses, instead of 1/3rd deduction, 50% deduction is taken into account.

10. Accordingly, the Civil Miscellaneous Appeal is allowed in part and the compensation awarded by the Tribunal is reduced from Rs.28,30,008/- to Rs.19,89,984/- as follows:

Heads	Award of the tribunal (Rs.)	Modified by this Court (Rs.) = (Total)
Monthly income + future prospects	12,963+6481.50 =19444.50/- (future prospects 50%)	12963+5185.2 =18148.20 (Future prospects 40%)
Income - personal expenses	19444.50-6481.50=12,963/- 1/3 rd reduction for personal expenses)	18148.20-9074 = 9074 (50% reduction towards personal expenses)
Loss of income is arrived at	28,00,008.00	(9074*12*18) = 19,59,984
Loss of estate	15,000	15,000 (unaltered)
Funeral expenses	15,000	15,000 (unaltered)
		19,89,984.00

The appellant and the 2nd respondent shall deposit the entire modified award amount along with 7.5% interest from the date of petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any. The claimant is permitted to withdraw the entire modified award amount



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along with proportionate interest and costs, less the amount already withdrawn, if any. The appellant/insurance company is permitted to withdraw the excess amount, if any, along with interest. No costs. Consequently connected Miscellaneous Petition is closed.

[P.V.,J]

[P.V.M.,J]

11.09.2025

NCC : Yes/No

Index : Yes/No

RR

To

1.The Motor Accidents Claim Tribunal/

Special District Judge, Tiruchirappalli

2.VR Section

Madurai Bench of Madras High Court

Madurai.



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P.VELMURUGAN, J.
AND
P.VADAMALAI, J.

RR

ORDER
IN
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