



C.M.A.(MD)No.1185 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **25.09.2025**

CORAM :

THE HONOURABLE MR. JUSTICE **P.VELMURUGAN**

and

THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

C.M.A(MD)No. 1185 of 2023
and C.M.P(MD)No.15799 of 2023

The Branch Manager,
M/s.REliance General Insurance Company Ltd.,
Royce Tower, Plot No.2054,
II Avenue, II Floor,
Anna Nagar,
Chennai – 600 040

...Appellant/2nd Respondent

Vs.

1.T.Rajamani
2.Sindhuja
3.Abinesh

...Respondents 1 to 3/Petitioners 1 to 3
..4th Respondent/1st Respondent

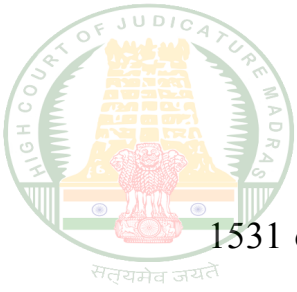
4.D.Karthi

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award in M.C.O.P.No.1531 of 2015 on the file of the Motor Accident Claims Tribunal, Special District Court, Trichirappalli dated 13.07.2022.

For Appellant	: Mrs.K.R.Shivashankari
For R1 to R3	: Mr. N.Sudhagar Nagaraj
R4	: No appearance

JUDGMENT

The Insurance Company has filed this Civil Miscellaneous Appeal against the judgment and decree dated 13.07.2022 passed in M.C.O.P.No.



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1531 of 2015 on the file of the Motor Accident Claims Tribunal, Special District Court, Trichirappalli.

2. The respondents 1 to 4 herein filed a claim petition stating that on 15.09.2015, while the deceased was standing in Chennai Maraimalai Nagar GST Road near centre median, a Tempo Traveller bearing registration No.TN-20-CE-7843 insured with the appellant came in a rash and negligent manner and dashed against the deceased, as a result of which, he sustained multiple injuries and while he was taking treatment in hospital as in-patient, he died on 16.09.2014. The respondents 1 to 4 have filed the claim petition against the owner of the offending vehicle and the Insurance Company.

3. The appellant Insurance Company filed a counter stating that the accident took place only due to the negligence of the deceased and that the appellant is not liable to pay compensation and in any case, the compensation claimed was excessive.

4. On the side of the claimants, the first claimant examined herself as P.W.1 and other two witnesses were examined as P.W.2 and P.W.3



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besides marking Ex.P.1 to Ex.P.12. The appellant did not examine any witness and marked two documents Ex.X.1 and Ex.X.2.

5. The Tribunal, after taking into consideration the oral and documentary evidence, awarded a total compensation of Rs.42,84,900/-.

6. The learned counsel for the appellant submitted that the Tribunal ought not to have calculated the loss of income by adding 30% towards future prospects when the deceased was aged about 55 years and the Tribunal ought to have added only 15% towards future prospects for computing the loss of dependency and that the total compensation awarded is excessive and prayed for reduction of compensation.

7. The learned counsel for the respondents 1 to 4/claimants per contra submitted that the award of compensation is just and reasonable and the claimants are entitled to the compensation awarded by the Tribunal and hence, prayed for dismissal of the appeal.

8. Heard both sides and perused the records.



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9. The questions involved in the instant appeal are whether the quantum of compensation awarded by the Tribunal is just and reasonable.

10. As regards quantum, it is seen that the deceased was working as Assistant Development Officer and his salary certificate was marked as Ex.X.1. Since the deceased is 55 years at the time of the accident, as per the judgment of **National Insurance Co. Ltd., v. Pranay Sethi and Others** reported in **2017(2) TNMAC 609(SC)**, 15% of future prospects has to be taken into consideration. However, the Tribunal erroneously considered 30% of the future prospects. In view of the above judgment, 15% has to be deducted for future prospects instead of 30%. If 15% is added, the loss of income (Rs.47,231/- X 15%) would come to Rs.54,315/-. After deducting 1/3rd for personal expenses, the monthly income of the deceased would come to (Rs.54315 - 18105) Rs.36,210/- and the annual income would be (Rs.36,210 X 12) Rs.4,34,520/- and in that amount, 15% should be deducted towards income tax. Then the annual net income would be Rs.3,69,342/-. If multiplier '11' is adopted, the loss of dependency would come to Rs.40,62,762/- . The Tribunal has granted Rs.35,000/- towards for loss of consortium to the first petitioner and the same is enhanced to Rs.40,000/-. The Tribunal has granted



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Rs.35,000/- each to the petitioners 2 and 3 for parental love and affection and the same is enhanced to Rs.40,000/- each and totally Rs.80,000/- for the said head. In all other heads, the award of the Tribunal shall stand unaltered. The modified award is as follows:

<i>Sl. No.</i>	<i>Heads of Compensation</i>	<i>Amount awarded by the Tribunal (Rs.)</i>	<i>Amount awarded by this Court (Rs.)</i>
1.	Loss of dependency	45,92,700.00	40,62,762.00
2.	Transport expenses for hospital	10,000.00	10,000.00
3.	Property Loss	10,000.00	10,000.00
4.	Loss of consortium (1 st petitioner)	35,000.00	40,000.00
5.	Parental love and affection for petitioners 2 and 3 Rs.35,000/- each by Tribunal - enhanced by this Court to Rs.40,000/-	70,000.00	80,000.00
6.	Funeral expenses	10,000.00	10,000.00
Total :		47,27,700.00	42,12,762.00 rounded off to Rs.42,12,800/-

11. Accordingly, the compensation awarded by the Tribunal is reduced from Rs.47,27,700/- to **Rs.42,12,800/-**. The appellant Insurance Company shall deposit the award amount of **Rs.42,12,800/-** with interest at the rate of 7.5% from the date of filing the petition till the date of



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deposit, after deducting the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment.

On such deposit, the respondents 1 to 4/claimants are permitted to withdraw the amount as apportioned by the Tribunal on filing a suitable application before the Tribunal.

12. In fine, this appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(P.V., J) (L.V.G.,J.)
25.09.2025

Index : Yes / No
Neutral Citation : Yes / No
CM

To
1.Motor Accident Claims Tribunal,
Special District Court, Trichirappalli

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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AND
L.VICTORIA GOWRI., J.

CM

Judgment made in
C.M.A(MD)No. 1185 of 2023
and C.M.P(MD)No.15799 of 2023

25.09.2025