

CMA(MD). Nos.1553 and 1554 of 2024

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). Nos.1553 and 1554 of 2024
and CMP(MD) Nos.16260 and 16261 of 2024**

The Regional Manager
National Insurance Company Ltd.,
No.1718 South Main Veethi
Visothan Towers First Floor
Thanjavur Town.

... Appellant in
both the appeals

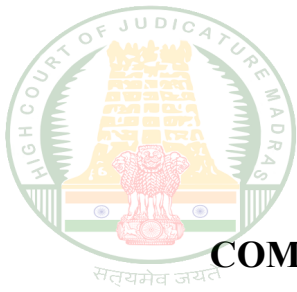
v.

1.Angayarkanni
2.K.Nagarajan
3.N.Rajasekar
4.N.Krishnamoorthy
5.N.Maheswari
6.S.Jeevalakshmi

... Respondents in
CMA(MD) No.1553/2024

1.Karpuram
2.E.Moorthy
3.M.Kathiravan
4.S.Jeevalakshmi

... Respondent in
CMA(MD) No.1554/2024



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COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree passed in MCOP Nos.230 and 467 of 2021 on the file of the Motor Accidents Claim Tribunal/Special District Judge, Thanjavur dated 28.06.2024.

For Appellant : Mr.V.Sakthivel
For Respondents : Mr.M.Muthuvel for R1,R3 to R5
R2 died (CMA No.1553/2024)
No appearance for R1 to R4
(CMA No.1554/2024)

COMMON JUDGMENT

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

The Civil Miscellaneous Appeals are directed against the common judgment and decree dated 28.06.2024 passed in MCOP Nos.230 and 467 of 2021 on the file of the Motor Accidents Claim Tribunal/Special District Judge, Thanjavur.

2. Since both the appeal arising out of the same accident and the appellant in both the appeals is one and the same, they were heard together and disposed of by this common judgment.



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3. The facts in brief is as follows:

The deceased are husband and wife. On 12.02.2020, they travelled in a car bearing Registration No.TN 49 AM 4842 from Chennai to Puthur, while so, at about 3.15 hrs. on 14.02.2020, near Keela Paluvoor road, due to rash and negligent driving and sudden application of brake of the car driven by the driver of 6th respondent herein, the car capsized and ran into a trench and as such, one Kannadasan (husband), who sat in the front seat of the car and Poornima (wife) who sat in the back seat of the car, suffered severe injuries. When Kannadasan was brought to the Government Hospital, he was declared brought dead. However, Poornima was taken to Ariyalur Government College Hospital, where she was given first aid and thereafter, she was given treatment at Thanjavur Government College Hospital and subsequently admitted at MIOT Hospitals, Chennai, where she died on 18.02.2020. For the said accident, a case in Crime No.43/2020 was registered for offence under Sections 279,337 and 304(A) IPC. The respondents 1 to 5 in CMA(MD) No.1553 of 2024 are the mother, father and siblings of the deceased Kannadasan and the respondents 1 to 3 in CMA(MD) No.1554 of 2024



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are the father, mother and sibling of the deceased Poornima. They filed their respective claim petition claiming a compensation of a sum of Rs. 90,00,000/- and Rs.1,00,00,000/- respectively.

3. In order to prove their case before the tribunal, on the side of the the claimants, P.Ws.1 to 3 were examined and 23 documents were exhibited. Neither any witness was examined nor any documents were exhibited on the side of the appellant and owner of the vehicle/the 6th respondent herein.

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 and based on the oral and documentary evidence let in before the tribunal, an amount of Rs.28,53,800/- along with 7.5% interest has been awarded towards compensation for the death of Kannadasan. As far as the death of Poornima, the Tribunal had awarded a compensation of Rs.84,62,530/- with 7.5% interest from the date of petition till the date of deposit and appellant insurance company was directed to pay the compensation.



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Challenging the said compensation, the appellant is before this Court.

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5. Though the appellant is not aggrieved with regard to the liability, they are aggrieved by the quantum of compensation awarded, particularly, when both the deceased are husband and wife and the claimants are only the parents and siblings of the deceased, they are not the dependants of the deceased, however, though they are entitled for compensation, so far as deduction towards personal expenses is concerned instead deducting 50% towards personal expenses, the Tribunal has erroneously deducted 1/4th (MCOP No.230/2024) and 1/3rd (MCOP No.467/2021) respectively. Since both the deceased are husband and wife and the claimants are parents and siblings, deduction of 50% is just and reasonable. He would further submit that with regard to other heads, the compensation is not disputed. On these grounds, the learned counsel prays for interference.

6. Per contra, the learned counsel for the respondents/claimants would submit that the Tribunal, after analyzing the age, avocation and dependency of the family members, had rightly come to the conclusion

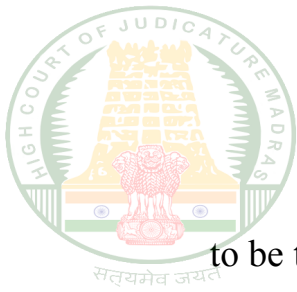


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and had awarded compensation as stated above, which are found to be just and reasonable and hence, prays for dismissal.

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

8. The accident that had happened, the death of both the deceased, the liability on the appellant insurance company are not in dispute. However, since the deceased are husband and wife and the claimants are father, mother and siblings of the deceased persons, the deduction of 1/3rd and 1/4th respectively made towards personal expenses of the deceased are found to be erroneous. As per the decision rendered in ***National Insurance Co. Ltd., v. Pranay Sethi and other [2017 (2) TNMAC 609(SC)]***, the deduction made towards personal expenses is concerned, the Tribunal has taken 1/3rd and 1/4th reduction towards personal expenses, however, since the claimants are parents and siblings, 50% ie., 1/2 is to be deducted towards personal expenses, which is just and reasonable. Accordingly, in order to meets the ends of justice, towards personal expenses, instead of 1/3rd and 1/4th deduction, 50% deduction is



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to be taken into account.

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10. Accordingly, the Civil Miscellaneous Appeals are allowed in part and the compensation is modified as follows:

(i) as far as CMA(MD) No.1553 is concerned, the compensation awarded by the Tribunal is reduced from **Rs.28,53,800/-** to **Rs.19,80,200/-** as follows:

Heads	Award of the tribunal (Rs.)	Modified by this Court (Rs.) = (Total)
Income - personal expenses	13000+5200 =18200-4550 1/4 th reduction for personal expenses)	18200-9100 =9100 (50% reduction towards personal expenses)
Loss of income is arrived at	13650*12*16	(9100*12*16) = 1747200
Loss of estate	18000	18,000 (unaltered)
Funeral expenses	15000	15,000 (unaltered)
Filial Consortium	40000*5=200000	200000 (unaltered)
	Total	19,80,200/-

(ii) as far as CMA(MD) No.1554 is concerned, the compensation awarded by the Tribunal is reduced from Rs.84,62,530/- to Rs.63,85,200/- as follows:



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Heads	Award of the tribunal (Rs.)	Modified by this Court (Rs.) = (Total)
Income - personal expenses	40,733+20,366 =61099-20366 1/3 rd reduction for personal expenses)	61099-30549=30550 (50% reduction towards personal expenses)
Loss of income is arrived at	40733*12*17	(30550*12*17) = 6232200
Loss of estate	18000	18,000 (unaltered)
Funeral expenses	15000	15,000 (unaltered)
Filial Consortium	120000	120000 (unaltered)
		63,85,200/-

The appellant shall deposit the entire modified compensation 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 claimants are entitled for their respective shares as apportioned by the tribunal. It is represented by the learned counsel for the respondents in CMA(MD) No. 1553 of 2024 that the 2nd respondent/father died pending appeal. Accordingly, the share of the 2nd respondent/father shall be disbursed to the first respondent/mother of the deceased. On such deposit being made, the claimants are permitted to withdraw their respective share amount along with proportionate interest and costs, less the amount already



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withdrawn, if any. The appellant/insurance company is permitted to

withdraw the excess amount, if any, along with interest. No costs.

Consequently connected Miscellaneous Petitions are 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,
Thanjavur

2.VR Section

Madurai Bench of Madras High Court
Madurai.



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

RR

ORDER
IN
CMA (MD) Nos.1553 and 1554 of 2024

Date : 11.09.2025