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C.M.A.No.2197 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.2197 of 2025

&

C.M.P.No.18767 of 2025

&

Cross Obj. No.76 of 2025

C.M.A.No.2197 of 2025

Chola MS General Ins. Co. Ltd.,

No.154, II Floor, Shawallce Building

Tambu Chetty Street, Chennai – 600 001

... Appellant

Versus

1. A Sudha

2. A.Subhasree

3. Nallayi

4. Shanmugam

... Respondents



C.M.A.No.2197 of 2025

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles

Act, 1988 against judgment and decree dated 17.10.2024 made in
M.C.O.P.No.5541 of 2021 on the file of Motor Accident Claims Tribunal,
Chief Court of Small Causes, Chennai.

For Appellant : Ms.R.Sree Vidhya

For Respondents : Mr.Amar Dineshbhai Pandiya
for R1 to R4

R5 – Court notice returned as left

Cross Objection No.76 of 2025

1. A.Sudha

2. A.Subhasree

3. Nallayi

4. Shanmugam

... Cross Objectors/

Respondents 1 to 4

Vs.

1. Chola MS General Insurance. Co. Ltd.,
No.154, II Floor, Shawallce Building
Tambu Chetty Street, Chennai – 600 001

2. Dhayalan Elangovan

C/o.Prop. Sri Bhagyalakshmi Enterprises
No.19, Vinayaga Nagar, Nemilicherry Road



C.M.A.No.2197 of 2025

Sriperumbudur TK, Kancheepuram – 602 105 ... Respondents

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Cross Objection filed under Section XLI Rule 22 of CPC to allow the cross objection by dismissing the appeal preferred by the Insurance Company in C.M.A.No.2197 of 2025 against M.C.O.P.No.5541 of 2021 dated 17.10.2024, on the file of Motor Accident Claim Tribunal, Chief Judge, Court of Small Causes, Chennai by enhancing the compensation granted in M.C.O.P.No.5541 of 2021.

For Cross Objectors :Mr.Amar Dineshbhai Pandiya

For Respondents : Ms.R.Sree Vidhya for R1

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, the Insurance Company is on appeal before this Court.

2. The claimants have filed the cross objection for enhancement of compensation.



C.M.A.No.2197 of 2025

3. The parties are referred to by their respective ranks before the Tribunal.

4. The claimants are the wife, daughter and parents of the deceased. They claim that on 23.10.2021 at about 23.30 hours when the deceased was replacing punctured tyre in TATA 407 Van bearing Registration No.TN20 AQ 5141 on Vandalur to Meenjur 400 feet outer ring road, a private bus bearing Registration No.TN 87 C 5539 which came in the same direction driven by its driver in rash and negligent manner, hit against him due to which the deceased sustained multiple injuries and died on the spot. According to the claimants, the deceased was aged about 40 years and was earning a sum of Rs.9000/- per day.

5. The first respondent, who is the owner of the offending vehicle, remained ex parte. The second respondent Insurance Company resisted the claim stating that the accident had occurred only due to the fault of the deceased.

6. Based on the above pleadings, the Tribunal framed the following points for consideration:

- i) *Whether the accident had occurred due to the rash and negligent driving of the 1st respondent's Vehicle?*
- ii) *Whether the respondents are liable to pay*



C.M.A.No.2197 of 2025

compensation?

iii) Whether the petitioners are entitled for compensation?

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7. Before the Tribunal, on the side of the claimants, three witnesses were examined as PWs 1 to 3 and Exs.A1 to A27 were marked. On the side of the second respondent Insurance Company, no witness examined and no document was marked.

8. The Tribunal, on appreciation of evidence, fixed the negligence on the part of the offending vehicle and awarded a sum of Rs.59,08,000/- as compensation, details of which are as follows:

Monthly Income	-	Rs.38,900/-
Add: 25% Future Prospects	-	Rs. 9,725/-

Total Income		Rs.48,625/-

Towards Loss of Income / Dependency (Rs.48,625 x 12 x 13 x $\frac{3}{4}$)	=	56,89,125.00
Towards Loss of Estate	=	16,500.00
Towards Loss of Consortium (Rs.44,000/- (Each) x 4	=	1,76,000.00
Towards Funeral Expenses	=	16,500.00



C.M.A.No.2197 of 2025

Towards Transportation Charges
including damages to personal belongings = 10,000.00

59,08,000.00

Rounded off to Rs.59,08,000/-

Challenging the above quantum of compensation, the Insurance Company has filed the present appeal.

9. It is the contention of the learned counsel for Insurance Company that even after the death of her husband, the wife is running the business and therefore, the Tribunal ought not to have fixed the monthly income at Rs.40,000/- and seeks reduction of compensation amount.

10. The learned counsel for the claimants/cross-objectors would submit that after the death of the deceased, the vehicles have been sold and in fact Exs.P25 to P27 clearly indicate that the deceased was earning Rs.1,00,000/- per month, but the Tribunal had fixed only Rs.40,000/- as monthly income and therefore, seeks enhancement of compensation.

11. We have perused the entire materials available on record.

12. Admittedly, the deceased had three vehicles, registered in the name of his wife. Though it is contended by the Insurance Company that the



C.M.A.No.2197 of 2025

wife is continuing the business, a perusal of evidence of PW3 makes it clear that after the death of the deceased, there is no income derived from the vehicle. The fact that the vehicles are registered in the name of the wife, may not be a ground to hold that wife is continuing the business and earning income. The fact remains that no income given to PW3. Admittedly, while the deceased was running the business, he was able to get the income of Rs.1,00,000/- per month. The trial Court, considering the nature of expenditure required to maintain the lorries and salary towards drivers, has fixed the monthly income of the deceased at Rs.40,000/- and after deducting tax and awarding compensation under various heads, has awarded a sum of Rs.59,08,000/- as compensation. We are of the view that considering the nature of the business run by the deceased and income generated from the lorry business, the quantum fixed by the tribunal does not require any interference.

Accordingly, the Civil Miscellaneous Appeal filed by the Insurance Company and cross-objection filed by the claimants for enhancement of compensation are dismissed and judgment and decree dated 17.10.2024 made in M.C.O.P.No.5541 of 2021 by Motor Accident Claims Tribunal, Chief Court of Small Causes, Chennai is confirmed. The appellant Insurance



C.M.A.No.2197 of 2025

Company is directed to deposit compensation amount, if not already deposited, within a period of three weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

There shall be no order as to costs.

[N.S.K.,J.] [R.S.V.,J.]
03.02.2026

Index: Yes/No
Neutral Citation: Yes
gpa

To

The Motor Accident Claims Tribunal,
Chief Court of Small Causes, Chennai



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C.M.A.No.2197 of 2025
N.SATHISH KUMAR, J.,
AND
R. SAKTHIVEL, J.,

gpa

C.M.A.No.2197 of 2025

03.02.2026