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CMA No. 1913 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

**CMA No. 1913 of 2026
and CMP No.15104 of 2026**

The Divisional Manager,
M/s.Shriram General Insurance Company Ltd.,
No.27, 100 Feet Road, Sundar Raja Nagar,
Mudaliarpet, Pondicherry 605 004.

..Appellant(s)

Vs

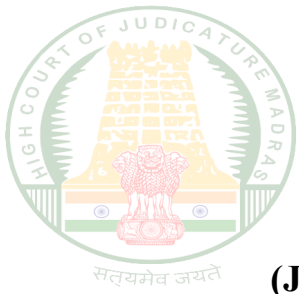
1.V.Anandhi
2.Minor Manoj
3.Minor Shyamala
Minors 2 and 3 respondents are rep.
By their guardian/mother/first respondent
4.S.Kuppusamy
5.K.Gnanambal
6.R.Arul

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation awarded in the final order dated 07.10.2023 in MCOP No.615 of 2020 on the file of learned Motor Accident Claims Tribunal, Special District Court No.I, Cuddalore.

For Appellant(s): Ms.V.Pushpa

For Respondent(s): Mr.F.Terry Chella Raja for R1 to R5



JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

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Challenging the award dated 07.10.2023, made in M.C.O.P. No.615 of 2020, on the file of the Motor Accident Claims Tribunal, Special District Court No.I, Cuddalore, the appellant/Insurance Company has filed the present appeal.

2. The appellant / Insurance Company is the second respondent in M.C.O.P. No.615 of 2020, on the file of the Motor Accident Claims Tribunal, Special District Court No.I, Cuddalore. The respondents 1 to 5 filed the said claim petition, claiming a sum of Rs.5,00,000/- as compensation for the death of one Venkatesan, who died in the accident that took place on 16.05.2020.

3. According to respondents 1 to 5, on 16.05.2020 at about 9.00 p.m., the deceased was riding a two-wheeler bearing Registration No. TN 22 AH 6708 on the extreme left side of the Chennai–Kumbakonam Road. While proceeding from North to South near Vodakuthu Bus Stop, opposite Ashwin Cashew Shop, the vehicle bearing Registration No. TN 14 L 6769 belonging to the sixth respondent approached from the opposite direction. Driven at a high speed in a rash and negligent manner, without sounding any horn and in violation of traffic regulations, it hit the two-wheeler, causing the accident. The accident occurred solely due to the negligent driving of the sixth respondent's



driver. As the deceased succumbed to fatal injuries sustained in the accident, respondents 1 to 5 filed a claim petition seeking compensation against the appellant and the sixth respondent as the insurer and owner of the offending vehicle.

4. The sixth respondent, owner of the offending vehicle, remained ex parte before the Tribunal.

5. The appellant/Insurance Company filed a counter-statement denying all the averments made by the respondents 1 to 5 in the claim petition. According to the appellant, the deceased himself was responsible for the accident as he rode the two wheeler in a rash and negligent manner, lost control and collided with the vehicle. The appellant further contended that the respondents 1 to 5 failed to establish negligence on the part of the driver of the offending vehicle with acceptable evidence. The appellant also contended that the respondents 1 to 5 must prove the age, avocation, and income of the deceased to claim compensation, arguing that the total compensation claimed under various heads is highly excessive, and thus, prayed for the dismissal of the claim petition.

6. Before the Tribunal, the first respondent examined herself as P.W.1, one Ramalinga, an eye-witness to the accident was examined as P.W.2



and marked 12 documents. The appellant/Insurance Company neither examined any witness nor marked any documents.

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7. The Tribunal, considering the submissions made on either side and oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by the driver of the offending vehicle belonging to the sixth respondent and directed the appellant, as the insurer of the vehicle, to pay a sum of Rs.42,43,000/- as compensation to the respondents 1 to 5.

8. Challenging the award passed by the Tribunal in M.C.O.P.No.615 of 2010 dated 07.10.2023, the appellant/Insurance Company has come out with the present appeal.

9. The learned counsel for the appellant/Insurance Company submitted that the award passed by the Tribunal is erroneous, contrary to law and against the facts and evidence on record and the Tribunal awarded excessive compensation under various heads contrary to the settled principles laid down by the Hon'ble Supreme Court. He further submitted that the claimants/ respondents 1 to 5 failed to establish that the deceased possessed a valid driving license and his income at the time of accident. Despite the absence of reliable proof, the Tribunal erroneously fixed the monthly income at Rs.25,000/- by relying upon Exs.P8 and P9, which neither established the



deceased's employment nor the relevant period of such employment and wrongly considered the future prospects. He also submitted that the Tribunal wrongly relied upon the decision of G.Chandrasekaran and Others Vs. M.Dinagar and another, though the said judgment had no application to the facts of the present case.

10. Per contra, the learned counsel for the respondents 1 to 5/claimants submitted that the Tribunal considering all the materials on record in proper perspective, rightly held that the accident occurred only due to rash and negligent driving by driver of the vehicle owned by the sixth respondent. He further contended that at the time of accident, the deceased was an Electrician aged 42 years and was earning a sum of Rs.35,000/- per month. The Tribunal considering Exs.P8 and P9 – Identity Card and Experience Certificate issued by the employer, rightly fixed the monthly income of the deceased as claimed by the respondents 1 to 5 and awarded compensation. The amount granted by the Tribunal towards loss of love and affection to the respondents 1 to 5 is just and reasonable. The total compensation awarded by the Tribunal is not excessive and prayed for dismissal of the appeal.

11. As far as the negligence is concerned, we have carefully considered the evidence and witnesses adduced on the side of the respondents 1 to 5/claimants. The Tribunal relied upon Ex.P1(FIR), Ex.P2(Charge Sheet) and the



oral evidence of P.W.2 (eye-witness) to conclude that the accident occurred due to the rash and negligent driving of the sixth respondent's vehicle. The Tribunal has rightly appreciated the evidence on record and held that the accident occurred due to the rash and negligent driving of the sixth respondent's vehicle. The finding of negligence is duly supported by the evidence of P.W.2 and the contemporaneous records, namely Ex.P1(FIR) and Ex.P2(Charge Sheet), which fixed the responsibility on the driver of the sixth respondent's vehicle. The appellant/Insurance Company failed to produce any convincing evidence to disprove the said findings. Hence, this Court finds no reason to interfere with the conclusion arrived at by the Tribunal with regard to negligence and the same is hereby confirmed.

12. As far as the quantum of compensation is concerned, respondents 1 to 5 claim that the deceased was an electrician-cum-plumber, earning a sum of Rs. 35,000/- per month at the time of the accident. To substantiate this claim, they marked Exs. P8 and P9. The accident occurred in the year 2020. The Tribunal, without properly considering the nature of work, fixed a sum of Rs. 25,000/- per month as the notional income of the deceased, which is on the higher side. Hence, the monthly income fixed by the Tribunal is hereby reduced to Rs.20,000/-. The Tribunal rightly deducted 1/4th towards the personal expenses of the deceased and granted 25% towards future prospects. Therefore, after adding 25% enhancement for future prospects and deducting 1/4th

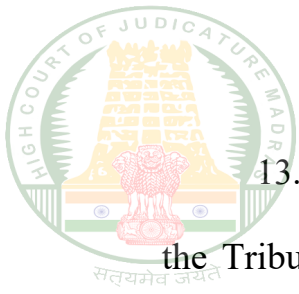


towards personal expenses, the loss of dependency is reduced to Rs. 31,50,000/-

{[Rs. 20,000/- + Rs. 5,000/- (25% of Rs. 20,000/-)] x 12 x 14 multiplier x 3/4}

payable to respondents 1 to 5 / claimants. Next, the Tribunal has erroneously awarded a sum of Rs.50,000/- each towards loss of love and affection and the same is hereby reduced to Rs.44,000/- to each of the respondents 1 to 5/claimants. The amounts awarded by the Tribunal under other heads are just and reasonable and hence, the same are hereby confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of dependency	39,37,584/-	31,50,000/-	Reduced
2.	Loss of Love and Affection	2,50,000/-	2,20,000/-	Reduced
3.	Loss of funeral expenses and loss of estate	15,000/-	15,000/-	Confirmed
4.	Transportation	15,000/-	15,000/-	Confirmed
5.	Damages to clothing and articles	25,000/-	25,000/-	Confirmed
	Total	42,42,584/- Rounded off to Rs.4243,000/-	Rs.34,25,000/-	Reduced by Rs.8,18,000/-



13. In the result, the appeal is partly allowed and the amount awarded by the Tribunal at Rs.42,43,000/- is reduced to Rs.34,25,000/-, which shall fetch interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellant-Insurance Company is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P. No.615 of 2020. On such deposit, the respondents 1 to 5 are permitted to withdraw their respective share of the award amount, as per the apportionment fixed by the Tribunal along with proportionate interest and costs, less the amount if any, already withdrawn, by filing necessary application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
25-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
VKR

To

- 1.The Presiding Officer,
Motor Accident Claims Tribunal,
Special District Court -I, Cuddalore.
- 2.The Divisional Manager,
M/s.Shriram General Insurance Company Ltd.,
No.27, 100 Feet Road, Sundar Raja Nagar,
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