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C.M.A.No.806 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2026

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THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.806 of 2026

&

C.M.P.Nos.8585 of 2026

Reliance General Insurance Company Ltd.,
No.6, 4th Floor
Haddows Road, Nungambakkam
Chennai – 600 006

... Appellant

VS

1. Kokila

2. Gopinath

3. Vijayalakshmi

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 05.06.2024 passed in M.C.O.P.No.6363 of 2019 on the file of MACT, Chief Judge, Small Causes, Chennai.

For Appellant : Mr.P.Suresh Srinivasan

For Respondents : Mr. R.Navaneetha Krishnan



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JUDGMENT

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[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

This appeal had been filed questioning the quantum of compensation determined by the Tribunal in and by order dated 05.06.2024 in M.C.O.P.No.6363 of 2019 by the Motor Accident Claims Tribunal, Chief Judge, Small Causes, Chennai.

2. The claimants are the mother and brother of the deceased Kishore Kumar. As per the claim petition, on 13.10.2019 at about 11.00 hours, while the deceased was riding a motorcycle bearing Registration No.TN 19 AW 9781 from Madhuranthagam to Chengalpattu GST Road, near Vadapathi Bus Stop, Kancheepuram, a car bearing Registration No.TN02 AB 2581, travelling in the same direction driven by its driver in a rash and negligent manner colluded with the motorcycle due to which the victim sustained multiple injuries. He was admitted at Rajiv Gandhi Government Hospital for treatment, but he died on the same day.



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3. The first respondent, who is the owner of the car, remained *ex parte* before the Tribunal. The claim petition was resisted by the second respondent Insurance Company stating that the first respondent's vehicle was coming behind the victim's motorcycle and hence, the claim of rash and negligent driving is absolutely false. It is also the case of the Insurance Company that the deceased was not wearing helmet at the time of accident. That apart, the claimants have not filed Registration Certificate and Insurance Policy of the deceased vehicle. It is contended that since no case has been filed against the driver of the first respondent vehicle, the Insurance Company is not liable to pay the compensation. It is also stated that the petition is bad for non-joinder of necessary parties.

4. Before the Tribunal, on the side of the claimants, three witnesses were examined as PWs 1 to 3 and Exs.P1 to P13 were marked. On the side of the respondents, one witness was examined as RW1 and Exs. R1 to R3 were marked.



5. On appreciation of materials and the entire evidence on record, the

Tribunal arrived at a finding that the accident had occurred due to the rash and negligent driving of the car by its driver and directed the second respondent, being the insurer of the first respondent vehicle, to pay the compensation amount. The compensation awarded by the Tribunal is as follows:

Sl. No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Income /dependency (Rs.21,000/- x 12 x18x ½)	22,68,000/-
2.	Loss of Estate	15,000/-
3.	Loss of consortium (Rs.40,000/- (each)	80,000/-
4.	Towards Funeral expenses	15,000/-
5	Towards Transportation Charges	10,000/-
	Total	23,88,000/-

The said sum was directed to be paid together with interest at 7.5% p.a. from the date of claim petition till the date of realization.



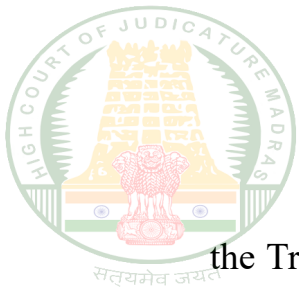
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6. The main grievance of learned counsel appearing for appellant

Insurance Company is that the Tribunal, while awarding compensation under the head 'loss of dependency' had fixed the monthly income of the deceased at Rs.15,000/-. Absolutely no documentary evidence was produced to prove the income of the deceased. In the absence of any proof, the Tribunal ought not to have fixed a sum of Rs.15,000/- as the monthly income of the deceased. Thus, learned counsel submits that the amount awarded by the Tribunal needs appropriate reduction.

7. *Per contra*, learned counsel appearing for claimants made his submissions supporting the award passed by the Tribunal.

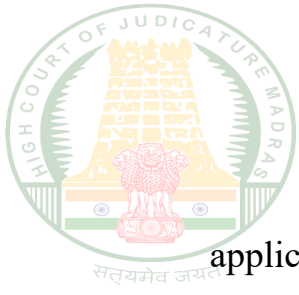
8. On a perusal of records, this Court finds that on the side of claimants, Ex.R1 – ID Card of the deceased has been marked. Further, the wife of the deceased was examined as PW-1. In such circumstances, it cannot be said that absolutely no document was produced to prove the income of the deceased. Considering the fact that the accident took place in the year 2019, this Court is of the view that the sum of Rs.15,000/- fixed by



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the Tribunal as the monthly income of the deceased cannot be said to be on the higher side. The Tribunal had rightly added 40% towards future prospects, deducted 1/2 towards personal expenses and applied multiplier '18' and awarded compensation in a sum of Rs.22,68,000/- under the head "loss of dependency". This Court finds that the approach adopted by the Tribunal in awarding compensation under the head 'loss of dependency' is just and reasonable. This Court also finds the compensation awarded under the other heads is also justifiable. In such circumstances, this Court is of the view that the award of the Tribunal does not require any interference by this Court.

Accordingly, the Civil Miscellaneous Appeal is dismissed. The appellant Insurance Company is directed to deposit the compensation of Rs.23,88,000/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of this judgment. On such deposit being made, claimants are entitled to withdraw their respective shares, as apportioned by Tribunal, together with interest, on due



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application. No costs. Consequently, the connected miscellaneous petition is closed.

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[C.V.K., J]

[K.R.S., J]

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To

1. The Motor Accident Claims Tribunal
Chief Judge, Small Causes, Chennai
2. The Section Officer
VR Section, Chennai



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