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CMA No. 1084 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

**CMA No. 1084 of 2026
and CMP.No.10861 of 2026**

Reliance General Insurance Company Ltd.,
No.6, IV Floor, Haddows Road,
Nungambakkam, Chennai 06.

..Appellant(s)

Vs

1. S.Kavitha
2. S.Poomika
3. S.Sahana
(Minor respondents 2 & 3 are rep.
By their mother/1st respondent as next
friend and natural guardian)
4. Pazhaniyammal
5. G.Rajkumar

..Respondent(s)

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgement and decree dated 29.11.2024 made in MCOP No.4210 of 2019 on the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai.

For Appellant(s):

Mr.P.Suresh Srinivasan

For Respondent(s):

Mr.Dinesh Kumar for R1 to R3



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JUDGMENT**(Judgment of the Court was delivered by K.Rajasekar J.)**

This Civil Miscellaneous Appeal has been filed by the appellant-Insurance Company against the judgment and decree dated 29.11.2024, made in M.C.O.P. No.4210 of 2019, on the file of the Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

2.By consent of the learned counsel appearing for the appellant as well as the respondents 1 to 4, the appeal is taken up for final disposal at the admission stage itself.

3.The appellant is the second respondent in M.C.O.P.No.4210 of 2019, on the file of the Motor Accident Claims Tribunal, Court of Small Causes, Chennai. The respondents 1 to 4/claimants 1 to 4, who are the wife, two minor daughters and mother of the deceased Shanmugam, filed the said claim petition, claiming a sum of Rs.50,00,000/- as compensation for the death of the said Shanmugam who died in the accident that took place on 22.04.2019.

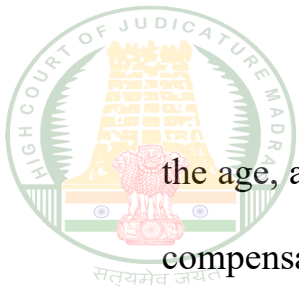
4.According to the respondents 1 to 4/claimants 1 to 4, on 20.04.2019, at about 21.30 hours, the deceased was riding a motorcycle bearing registration



No.TN 07 CH 3367 from South to North along the Airtel showroom on Nolambur Main Road, Chennai. Another motorcycle bearing registration No.TN 13 M 4674 coming from East to West, was driven in a rash and negligent manner and dashed against the deceased's motorcycle. As a result, the deceased was thrown off the motorcycle, sustained fatal injuries and succumbed on 22.04.2019. Hence, the respondents 1 to 4/claimants 1 to 4 filed the said claim petition, claiming compensation against the 5th respondent as owner and the appellant as insurer of the motorcycle bearing registration No.TN 13 M 4674.

5.The 5th respondent, owner of the Motorcycle bearing registration No.TN 13 M 4674, remained ex-parte before the Tribunal.

6.The appellant-Insurance Company, filed a counter statement and denying all the averments made by the respondents 1 to 4/claimants 1 to 4 in the claim petition. According to the appellant, at the time of accident, the deceased was not wearing a helmet, rode the motorcycle recklessly and caused the accident. The appellant-Insurance Company further contended that in the absence of a charge sheet against the rider of the motorcycle bearing registration No.TN 13 M 4674, no liability accrues on the appellant. The claim petition is also bad for non-joinder of rider of the motorcycle bearing registration No.TN 07 CH 3367. In any event, the respondents 1 to 4/claimants 1 to 4 have to prove



the age, avocation and income of the deceased to claim compensation. The total compensation claimed by the respondents 1 to 4 is excessive and prayed for dismissal of the claim petition.

7.Before the Tribunal, the first respondent/claimant examined herself as P.W.1, examined eye-witness as P.W.2 and marked 13 documents as Exs.P1 to P13. The appellant/Insurance Company did not let in any oral or documentary evidence.

8.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent riding by the rider of the motorcycle bearing registration No.TN 13 M 4674 belonging to the fifth respondent and directed the appellant as the insurer of the said motorcycle, to pay a sum of Rs.28,04,500/- as compensation to the respondents 1 to 4/claimants 1 to 4.

9.Challenging the award granted by the Tribunal dated 29.11.2024, made in M.C.O.P. No.4210 of 2019, the appellant - Insurance Company has come out with the present appeal.

10.Though the appellant-Insurance Company raised various grounds with regard to negligence, the learned counsel appearing for the appellant restricted

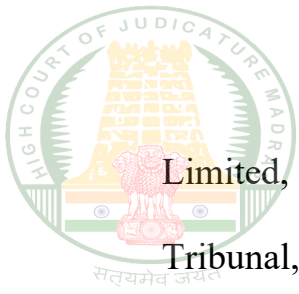


his arguments only with regard to quantum of compensation awarded by the Tribunal. The learned counsel for the appellant-Insurance Company contended that though the claimants have claimed that the deceased was employed as a Counter Incharge at Kamadhenu Jewellery Private Limited, Chennai and was earning a sum of Rs.19,000/- per month, the Tribunal in the absence of submitting income tax returns, had erroneously fixed the monthly income of the deceased at Rs.16,536/- and granted 25% enhancement towards future prospects. The compensation granted by the Tribunal under the other heads are also on the higher side. Hence, he prayed to reduce the same.

11. On the other hand, the learned counsel for the respondents 1 to 3/claimants 1 to 3 submitted that the compensation upon perusing the statement of account and payslip for the month of August 2018, marked as Ex.P8 and Ex.P13, rightly fixed the monthly income of the deceased at Rs.16,536/- and granted 25% enhancement towards future prospects and prayed for dismissal of the appeal.

12. Heard the learned counsel on either side and perused the materials available on record.

13. It is the case of the respondents 1 to 3/claimants 1 to 3 that the deceased was employed Counter Incharge at Kamadhenu Jewellery Private

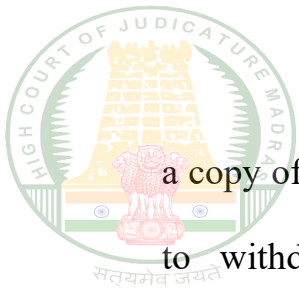


Limited, Chennai and was earning a sum of Rs.19,000/- per month. The Tribunal, upon consideration of the payslip and statement of accounts marked as

Ex.P8 and Ex.P13, fixed the monthly income of the deceased at Rs.16,536/-.

After adding 25% towards future prospects, the Tribunal arrived at a revised monthly income of Rs.20,670/-. The deceased was aged 44 years at the time of accident. The Tribunal placing reliance on the judgment of the Hon'ble Apex Court in *Sarla Verma and Others Vs. Delhi Transport Corporation and Another [2006 (2) Tnmac 1 (SC)]* rightly adopted the multiplier of 14. There were four dependents on the deceased. After deducting one-fourth (1/4th) towards personal and living expenses of the deceased, the Tribunal correctly computed the loss of income/dependency at Rs.26,04,420/- [Rs.20,670/- X 12 X 14 X $\frac{3}{4}$]. The compensation awarded under other conventional heads is just, reasonable and does not warrant interference by this Court. Accordingly, we find no infirmity in the award passed by the Tribunal and the same is hereby confirmed.

14.In the result, this Civil Miscellaneous Appeal is dismissed and the amount awarded by the Tribunal at Rs.28,04,500/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit, is hereby confirmed. The appellant/Insurance Company is directed to deposit the amount awarded by the Tribunal 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. On such deposit, the respondents 1 and 4 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. The shares of the minor respondents 2 and 3 are directed to be deposited in any one of the Nationalized Banks, till the minors attain majority. The first respondent being mother of the minor respondents 2 and 3 is permitted to withdraw the accrued interest, once in three months for the welfare of the minor respondents 2 and 3. Consequently, connected Miscellaneous Petition is closed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
22-04-2026

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

To

1.The Motor Accident Claims Tribunal,
Small Causes Court, Chennai.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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