



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving the Judgment	Date of Pronouncing the Judgment
04.12.2025	23.01.2026

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

CMA No.275 of 2022 &
CMA No.2091 of 2023
and
C.M.P.No.1857 of 2022

CMA No.275 of 2022

M/s.Reliance General Insurance Co., Ltd.,
Reliance House, 6th Floor,
Haddows Road, Chennai – 600 006.

Appellant

Vs

A.Paul Raj (Died),
1.T.Papitha Christobel
2.Fatithlin Paul Christo
3.Bannushika Paul Chiristo
Minors 2 & 3 rep., by their mother
NG & NF T.Papitha Chiristobel

4.Dilipan Bose
5.Selin Laly
6.Ashmi

Respondents

Prayer:

Civil Miscellaneous Petition filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.03.2020 made in M.C.O.P.No.1878 of 2014 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.



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CMA No.275 of 202



For Appellant(s): Mr.Arun Kumar

For Respondent(s): Mr.F.Terry Chella Raja for RR1 to R3

Mr.R.Annamalai for RR5 & R6

R4 Left

CMA No.2091 of 2023

A.Paul Raj (Died)

1.T.Papitha Christobel

2.Fatithlin Paul Christo

3.Bannushika Paul Chiristo

2 & 3 minor appellants rep., by their mother

T.Papitha Chiristobel as a natural guardian & next friend)

Appellants

Vs

1.Dilipan Bose

2.M/s.Reliance General Insurance Co., Ltd.,
Reliance House, 6th Floor,
Haddows Road, Chennai – 600 006.

3.Selin Laly

4.Ashmi

Respondents

Prayer:

Civil Miscellaneous Petition filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.03.2020 made in M.C.O.P.No.1878 of 2014 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.



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CMA No.275 of 202



For Appellant (s) : Mr.F.Terry Chella Raja

For Respondent(s): Mr.Arun Kumar for R2

Mr.R.Annamalai for RR3 & R4

COMMON JUDGMENT

(Judgment of the Court was made by K.KUMARESH BABU., J.)

These two Civil Miscellaneous Appeals have been filed against the award of the Tribunal in M.C.O.P.No.1878 of 2014 dated 24.03.2020, whereby compensation was granted in favour of respondents 2, 5 and 6, who are the legal representatives of the deceased. C.M.A. No.275 of 2022 has been filed by the insurance company, and C.M.A. No.2091 of 2023 has been filed by the second wife of the deceased.

2. The background of the case is that the deceased, Paul Raj, sustained injuries in a road accident on 04.01.2014 and subsequently passed away on 02.06.2014. For the sake of convenience, the parties are referred to as per their ranks before the Tribunal. The second petitioner and the third respondent claim to be the wives of the deceased. The third and fourth petitioners and the fourth respondent are the children of the deceased through the 2nd petitioner and 3rd respondent with the deceased respectively. The Tribunal awarded a sum of Rs.48,01,500/- in favour of the third petitioner and the third and fourth respondents.



3. Heard the learned counsel appearing for the respective parties.

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4.In C.M.A. No.275 of 2022:

Mr. S. Arun Kumar, learned counsel for the appellant–insurance company, submits that the Tribunal awarded a sum of Rs.1,90,000/- towards loss of love and affection and Rs.1,50,000/- towards parental consortium, which is contrary to the settled principles laid down by the Hon’ble Supreme Court. He submits that, as per the settled law, the amount awarded under the head of consortium should not exceed Rs.1,20,000/-. He further submits that the Tribunal erred in fixing the notional income at Rs.22,000/- per month without substantive evidence. He also submits that the Tribunal ought not to have awarded Rs.15,86,497/- towards medical expenses as the same was not duly proved by proper evidence. Hence, he prays that the award of the Tribunal be set aside.

5.In C.M.A. No.2091 of 2023:

Mr. F. Terry Chella Raja, learned counsel for the appellant, submits that the Tribunal failed to consider the deceased's income as Rs.25,000/- per month on the basis of Exs.P10 to P24, which establish his educational qualification and occupation, and instead erroneously fixed the income at Rs.22,000/- per month solely on the basis of the depositions of PW1 and PW3 and the salary certificate



marked as Ex.P21. He further submits that the Tribunal erred in holding that the appellant is not entitled to compensation on the ground that she is not the legally wedded wife of the deceased. He submits that the appellant is a legal representative and is entitled to claim compensation under Section 166 of the Motor Vehicles Act. He further contends that the remarriage of a widow does not disqualify her from claiming compensation, which is a settled proposition of law.

6.He additionally submits that the major medical expenses under Ex.P5 were borne by the appellant and that the Tribunal failed to properly appreciate the evidence adduced by the appellant's witnesses. He submits that the Tribunal ought to have awarded just compensation for the death of the deceased. Hence, he prays for setting aside the award and enhancing the compensation.

7. We have considered the submissions of the learned counsel for the respective parties and perused the materials available on record.

8. From the submissions of the learned counsel on either side, this Court formulates the following issues for consideration in these Civil Miscellaneous Appeals:

1.Whether the award granted by the Tribunal towards loss of consortium



is contrary to the settled principles laid down by the Hon'ble Apex Court?

2. Whether the quantum awarded under the head of loss of consortium requires modification?

3. Whether the appellant in C.M.A. No.2091 of 2023 is entitled to claim compensation?

4. Whether the apportionment of medical expenses made by the Tribunal is legally sustainable?

9. From the records of this Court, it is noted that by order dated 16.02.2022, this Court observed that the Tribunal had granted a higher compensation in disregard of the well-settled principles enunciated by the Hon'ble Apex Court and directed the Registrar General to take appropriate action. Pursuant thereto, the Tribunal Judge submitted an explanation and tendered her apology. By order dated 07.03.2022, this Court accepted the explanation. As pointed out by the learned counsel for the appellant—Insurance Company, in view of the Constitution Bench judgment of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi and Others*, reported in **2017 (16) SCC 680** the claimants together are entitled only to a sum of Rs.1,20,000/- under the head of loss of consortium. The said position is also fairly conceded by both sides. Therefore, the quantum awarded by the Tribunal under the head of loss of consortium requires modification.



10. The next claim is that of the appellant in C.M.A. No.2091 of 2023, who contends that she is the wife of the deceased and that the Tribunal erred in rejecting her claim for compensation on the ground that she is not the legally wedded spouse. On perusal of the records and the exhibits placed before the Tribunal, this Court finds that there is no acceptable evidence to substantiate her marriage with the deceased. Moreover, the Tribunal has rightly held that even assuming such marriage took place, it was solemnised during the subsistence of the deceased's earlier marriage with the third respondent. Hence, the alleged marriage of the appellant with the deceased is void in law. Consequently, the appellant cannot claim the status of a legal representative of the deceased and is not entitled to compensation.

11. With regard to the medical expenses, Ex.P5 shows that payments were made through a credit card. However, the appellant has failed to prove that the credit card belonged to her or that she repaid the amount. Therefore, the Tribunal has rightly apportioned the medical expenses among the rightful claimants. This Court finds no reason to interfere with the said apportionment.

12. With regard to the quantum of compensation, this court observes that the tribunal award is just and reasonable except in respect of compensation under the heads of loss of love and affection and parental consortium. These



both head are modified and combined together as loss of love and affection and granted a sum of Rs.80,000/- instead of Rs.1,50,000/- under each head in favour of 3rd petitioner and 4th respondent. Further, the loss of consortium was granted in favour of the third respondent who is the wife of the deceased. For better appreciation of the computation of the award, the same is tabulated hereunder.

S.No.	Heads of compensation awarded	Amount awarded by Tribunal	Amount awarded by this Court	Award Modified or confirmed
1	Loss of Dependency	Rs.28,60,000/- (Rs.22,000+25% Rs.5,500= Rs.27,500*12=Rs. .3,30,000-1/3= Rs.2,20,000*13)	Rs.28,60,000/- (Rs.22,000+25%Rs. 5,500= Rs.27,500*12=Rs.3, 30,000-1/3= Rs.2,20,000*13)	Confirmed
2	Loss of Consortium	Rs.40,000/-	Rs.40,000/- <i>In favour of R3</i>	Confirmed
3	Loss of Love and Affection	Rs. 1,50,000/-	Rs.80,000/- <i>In favour of P3 and R4</i>	Reduced
4	Parental Consortium	Rs.1,50,000/-	-	Negatived
5	Medical Expenses	Rs.15,86,497/-	Rs.15,86,497/-	Confirmed
6	Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
	Total	Rs.48,01,497/-	Rs.45,81,497/-	Reduced

13. In fine, the C.M.A.No.2091 of 2023 is dismissed and C.M.A.No.275 of 2022 is partly allowed as above. The third petitioner and respondents 3 and 4



are awarded a compensation of Rs.45,81,497/-. The third petitioner and respondents 3 and 4 are entitled for the distribution of the aforesaid award in the same proportion as granted by the Tribunal except the loss of consortium and loss of love and affection where this court specified. They are also entitled to the interest @ 7.5% per annum from the date of the Original Petition. The Appellant in C.M.A.No.275 of 2022 shall deposit the aforesaid amount less any amount that has been deposited earlier together with interest within a period of 30 days from the date of receipt of a copy of this order. Connected miscellaneous petitions are closed. There shall be no order as to costs.

(C.V.K., J.) (K.B., J.)
23-01-2026

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

To

1. Motor Accidents Claims Tribunal,
II Court of Small Causes, Chennai
2. The Section Officer,
VR Section, High Court,
Madras.



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CMA No.275 of 202



**C.V.KARTHIKEYAN, J.
and
K.KUMARESH BABU, J.**

Pbn

PRE-DELIVERY JUDGMENT
IN
**CMA No.275 of 2022 &
CMA No.2091 of 2023**

23-01-2026