IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA Nos. 1013 & 1015 of 2023

C.M.A.No.1013 of 2023

Reliance General Insurance Co Ltd
Legal Department, Reliance House,
6th Floor, No.6, Haddows Road,
Nungambakkam, Chennai - 600006.

..Appellant(s)

Vs

1. Kalaiselvi
   W/O. Chinnathambi,
2. Chinnathambi
   S/o. Ponnusamy,
3. B.Amsavalli
4. Usha
   W/o. Late Palani,

..Respondent(s)

Prayer :- This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the Order of Award dated 18-11-2022 passed in MCOP No.5264 of 2014 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.2, Motor Accidents Claims Petitions, Small Causes Court, Chennai.

C.M.A..No.1015 of 2023

Reliance General Insurance Co Ltd
Legal Department, Reliance House,
6th Floor, No.6, Haddows Road,
Nungambakkam, Chennai - 600006.

..Appellant(s)

Vs

1. Madhan @ Vel Madhan
   S/o. Parthiban

2. B.Amsavalli

..Respondent(s)

Prayer :- This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the Order of Award dated 18-11-2022 passed in MCOP No.3067 of 2014 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.2, Motor Accidents Claims Petitions, Small Causes Court, Chennai.

For Appellant(s) in **both CMAs** : Mr. G. Vasudevan

For Respondent(s) Mr.Varadha Kamaraj, for R1 & R2
Mr. U.Chithambaram, for R4

in **CMA.1013/2023**: For R3- N.A.

Mr.Varadha Kamaraj, for R1

in **CMA.1015/2023** : For R2 – N.A.

COMMON ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

CMA.No.1013 of 2023 has been filed challenging the award passed in MCOP.No.5264 of 2014 dated 18.11.2022 on the file of the Special Sub Court No.II, (Motor Accident Claims Tribunal), Small Causes Court, Chennai.

2. CMA.No.1015 of 2023 has been filed challenging the award passed in MCOP No.3067 of 2014 dated 18.11.2022 on the file of the Special Sub Court No.II, Motor Accident Claims Tribunal, Small Causes Court, Chennai.

3. Both the appeals have been filed by the Insurance Company questioning the negligence cast on the appellants and the quantum of compensation granted.

4. As a matter of fact, the Tribunal had considered four claim petitions together, namely, M.C.O.P. Nos. 2358, 2786, 3067 & 5264 of 2014.

5. MCOP No.5264 of 2014 had been filed by the respondents 1 and 2 herein under Section 166 of the Motor Vehicles Act read with Rule 3 of T.N.M.A.C.T. Rules, seeking compensation of Rs.60,00,000/- for the death of their son, viz., Palani, who died in an accident that occurred on 14.01.2014.

6. MCOP No.3067 of 2014 had been filed by the first respondent herein under Section 166 of the Motor Vehicles Act read with Rule 3 of T.N.M.A.C.T Rules, seeking compensation of Rs.40,00,000/- for the injuries sustained in the accident dated 14.01.2014.

7. The brief facts are that on 14.01.2014, at about 15.45 hours, when the deceased Palani and other injured persons were travelling in a Tata Sumo Car bearing Registration No.TN 22 BC 4728 along the East Coast Road, near Manamai Samiyar Thottam, they met with an accident due to the rash and negligent driving of the driver of the said vehicle, which capsized in the left side of the road bog ditch. In the said accident, one person died and others sustained grievous injuries.

8. Before the Tribunal, the owner of the vehicle, Amsavalli, remained exparte.

9. The claim petitions were resisted by the appellant/Insurance Company on the ground that the driver of the offending vehicle did not possess a valid driving license and that the vehicle did not have a valid fitness certificate at the time of the accident, and that therefore there was violation of the policy conditions. It was further contended that the accident occurred due to the rash and negligent driving of the driver and that the owner of the said vehicle alone was liable to pay the compensation. The compensation claimed was also stated to be excessive.

10. The Appellant herein had not challenged the awards passed in MCOP Nos.2358 and 2786 of 2014.

11. Joint trial was conducted and evidence was recorded in all the four claim petitions. The discussions on the evidence were also common.

12. On the side of the claimants, five witnesses were examined as PW1 to PW5 and Exs.P1 to P24 were marked. On the side of the respondents, RW1 was examined and Ex.R1 to R6 were marked.

13. The Tribunal, upon consideration of the evidence, held that the accident occurred due to the rash and negligent driving of the driver of the offending vehicle and that the driver possessed a valid driving licence to drive a light motor vehicle, and therefore held that there was no violation of policy conditions on that ground.

14. However, since the offending vehicle did not possess a valid fitness certificate at the time of accident, the Tribunal held that the Insurance Company is liable to pay compensation with liberty to recover the same from the owner of the vehicle.

15. Insofar as M.C.O.P. No.5264 of 2014 is concerned, the Tribunal fixed the monthly income of the deceased as Rs.26,300/- and added 50% towards future prospects, and fixed the annual income of the deceased at Rs.4,73,400/- . After deducting 1/3rd towards his personal expenses, the loss of dependency was fixed at Rs.3,15,600/- per annum. Applying a multiplier of

‘17’, the total loss of dependency was calculated at Rs.53,65,200/-. The Tribunal further awarded Rs.1,20,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses, and thereby awarded a total compensation of Rs.55,15,200/- .

16. Insofar as MCOP No.3067 of 2014 is concerned, the claimant sustained multiple injuries, including diffused axonal injury, burst compression fracture of C6 vertebral body with cord contusion, and left lower radius fracture, along with other complications. The Medical Board certified that the claimant suffered 100% permanent disability.

17. The Tribunal fixed the notional monthly income of the claimant at Rs.9000/-, and added 40% future prospectus, and fixed the annual income at Rs.1,51,200. Applying a multiplier of ‘18’ and considering 100% functional disability, the Tribunal awarded Rs.27,21,600/- towards loss of earning capacity. Further amounts were awarded under various heads, namely, Rs.60,000/- towards pain and suffering, Rs.10,000/- towards transport charges, Rs.10,57,077/- towards medical expenses and Rs.10,000/- towards extra-nourishment and Rs.29,400/- towards attender charges. A total compensation of Rs.39,39,000/- was awarded.

18. Aggrieved over the compensation awarded by the Tribunal, the Insurance Company had filed the present appeals

19. Considering the fact that the Tribunal had adjudicated all four claim petitions together and the findings relating to negligence and liability are common in all the case, and the present appeals having been filed only in respect of two claim petitions challenging the liability and quantum of compensation, we hold that the appellant having accepted to the reasonings relating to liability in the other two claim petitions, cannot raise that issue herein. We confirm the finding of the Tribunal regarding liability of the appellant. The only issue to be examined is with respect to the quantum of compensation to be granted with respect to the two appeals. It is seen that one person had died and other three persons had suffered injuries. The Tribunal had assessed the quantum based on the nature of the injuries, age and earning capacity. However, the findings relating to negligence and liability remain identical in all the claim petitions.

20. The learned counsel for the appellant however stated that the appellant had raised the issues, that the driver of the vehicle did not possess a valid driving licence and that the vehicle did not have a valid fitness certificate even before the Tribunal.

21. Both the issues have been discussed in common by the Tribunal, and Pay and Recovery had been granted. We find no reason to differ from that particular view.

22. We also find that the compensation granted is extremely fair and interference is not warranted. We uphold the order of the Tribunal in entirety.

23. The appeals stand dismissed. No costs. The appellant/Insurance Company is directed to deposit the award amount along with interest and costs, less the amount if any already deposited, within a period of four weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.Nos.5264 & 3067 of 2014 on the file of the Special Sub Court No.II, Motor Accident Claims Tribunal, Small Causes Court, Chennai.

(C.V.K.,J.) (K.R.S.,J.)

18-03-2026

MRP ½

To

The Motor Accident Claims Tribunal,
Special Sub Court No.2,
Motor Accidents Claims Petitions,
Small Causes Court, Chennai.

C.V.KARTHIKEYAN, J.

AND

K.RAJASEKAR, J.

MRP

CMA No. 1013 of 2023

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18-03-2026