IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1266 of 2026 and
CMP No.12184 of 2026

Reliance General Insurance Co.Ltd.,
(T.P Cell), No.6, Reliance House,
Haddows Road, Nungambakkam,
Chennai - 600034.

..Appellant(s)

Vs

1. Priya Vinoth
2. V.Dharshan Sanjay
3. V.Susila
4. M/s. Multi Model Cargo Services
   No. 177, O Block, Anna Nagar
   Chennai 600 040.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree dated 12.12.2025 in MCOP No. 2787 of 2022 on the file of the Motor Accidents Claims Tribunal, Chennai (Chief Judge, Court of Small Causes, Chennai).

For Appellant(s): Mr.R.Sunilkumar
For Respondent(s): M/S.Ramya V.Rao

JUDGMENT

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

The second respondent in MCOP No. 2787 of 2022, on the file of the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai, aggrieved by the judgment dated 12.12.2025 has filed the present appeal.

2.The said MCOP had been filed under Section 166 of the Motor Vehicles Act and Rule 3 of the MACT Rules claiming compensation for the death of one Vinoth in a road traffic accident which took place on 04.06.2022 at about 06.00 a.m. It had been contended that the deceased was a pedestrian walking on Pantheon Road, Egmore, opposite to Ashoka Hotel and that a Mahindra BMT Plus PS1 2T Goods Carrier (Truck) bearing Registration No.TN02BU9289 driven in a rash and negligent manner hit him behind. Owing to which, he sustained fatal injuries and died on 07.06.2022 inspite of treatment given. The deceased was aged 44 years and was working as a Computer Instructor Grade – I at Government Syed Murthuza Model High Secondary School, Thiruchirapalli and it was claimed that he was earning Rs.1,00,000/- per month and also earning Rs.40,000/- per month as tuition fees. Taking into consideration all the facts, a sum of Rs.2,60,00,000/- was claimed as compensation by the claimants before the Tribunal.

3.During trial, on the side of the claimants three witnesses were examined including the widow as PW1, the Eye Witness as PW2 and the Headmaster of the School where the deceased was employed as PW3. The respondent/appellant herein did not examine any witnesses. The claimants marked the copy of the FIR, the accident register and more importantly, the educational certificate as Ex.P9, the appointment order as Ex.P10, the salary slips as Ex.P12, the Income Tax Returns as Ex.P13, the bank account statement as Ex.P14, the bank pass book of the claimants as Ex.P25-Ex.P27, the salary slips as Ex.P33, the form 16 as Ex.P34 and the terminal benefits as Ex.P36 and compassionate appointment details as Ex.P37.

4.On the basis of the documents produced and the oral evidence, the Tribunal had determined the monthly income at Rs.94,269/- and had also deducted income tax at the appropriate slab and also added future prospects and finally determined the annual income after tax at Rs.12,04,270/-. The Tribunal also granted compensation under the other heads, which are usually granted and fixed a total compensation of Rs.1,14,63,500/-. The details are as follows:

Towards Loss of Income/Dependency Rs.12,04,270 x 14 x 2/3	=	1,12,39,853
Towards Loss of Estate *	=	16,500
Towards Loss of Consortium * Rs.44,000 /- (Each) x 3	=	1,32,000
Towards Funeral Expenses *	=	16,500
Towards Transportation Charges including damages to personal belongings	=	10,000
Towards Medical Bills	=	48,593

Compensation payable	=	1,14,63,446
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* Amounts enhanced at the rate of 10%.

5.The appellant herein has not challenged the quantum of compensation granted. However, the appellant claimed that PW1, the widow of the deceased while in her evidence had stated that from the medical insurance, a sum of Rs.51,000/- had been received. It is therefore contended by the learned counsel for the appellant that the claimants have benefited twice over, one by claiming compensation under the Motor Accidents claim scheme and the other under the medical insurance which the deceased had taken. It is therefore contended that the Court should interfere with the quantum of the Award to that particular extent. It is also pertinent to note that though it had been held out that compassionate appointment would be granted, till the date of evidence, it had not been granted.

6.Heard the learned counsel for the respondents who is also on Caveat.

7.We unfortunately do not accede to the arguments advanced on behalf of the learned counsel for the appellant. In *National Insurance Company Limited Vs. Rekhaben and others* reported in *(2017) 13 SCC 547*, the Hon'ble Supreme Court had examined and granted compensation even when the pecuniary advantages have been received from other sources. It had been stated that such amounts received from other sources cannot be deducted from the Award which is granted under the Act. Even in this case, the amount of Rs.51,000/- which had been received under medical insurance is a scheme offered to every Government employee and the claim under that particular head is independent of the statutory claim made under the Motor Vehicles Act.

8.As a matter of fact, in the compensation granted towards medical bills, a sum of Rs.48,593/- alone had been granted and there is no ground taken that the same is not correct or inflated. The Hon'ble Supreme Court in the said judgment has held as follows:

> *13. In these cases, compensation is claimed against the tortfeasor who may be the driver or owner of the vehicle or the insurer. In respect of an accident in which the tortfeasor is found to be liable, the owner or the driver of the vehicle or the insurer, as the case may be, may alone be held responsible for the payment of such compensation since the accident has resulted in the injury or death which gives rise to the claim of the claimants. No other party is involved in it. And certainly not the employer who may offer compassionate appointment to the dependants of the injured/deceased.*
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> *14. While awarding compensation, amongst other things, the Tribunal takes into account the income of the*

deceased and calculates the loss of such income after making permissible deductions to compensate the injured claimant for the loss of earning capacity in case of an injury, and to compensate the claimants dependent on him in case of death. Thus, the income of the deceased or the injured, which the claimants have lost due to the inability of the deceased or the injured to earn or to provide for them is a relevant factor which is always taken into consideration. The salary or the income of the claimant in case of death is generally not a relevant factor in determining compensation primarily because the law takes no cognizance of the claimant's situation. Though in case of an injury, the income of the claimant who is injured is relevant. In other words, compensation is awarded on the basis of the entire loss of income of the deceased or in a case of injury, for the loss of income due to the injury. What needs to be considered is whether compassionate appointment offered to the dependants of the deceased or the injured, by the employer of the deceased/injured, who is not the tortfeasor, can be deducted from the compensation receivable by him on account of the accident from the tortfeasor. Certainly, it cannot be that the one liable to compensate the claimants for the loss of income due to the accident, can have his liability reduced by the amount which the claimants earn as a result of compassionate appointment offered by another viz. the employer.

9.The learned counsel for the appellant had placed reliance on the judgment of the Hon'ble Supreme Court in *Krishna and Others Vs. Tek Chand and Others* reported in *2024 SCC Online SC 4733*. However, a careful perusal of the said judgment shows that the amount had been received under a specific scheme namely, the Haryana Compassionate Assistance to Dependents of Deceased Government Employees, Rules, 2006, which is also a statutory payment to be paid for the death of an employee. That particular statute and compensation granted is equivalent to the compensation granted under the Motor Vehicles Act which compensation is also statutory in nature. But however, the medical insurance is a contract and a claim under that particular head can never be overridden by a claim made under the statute. This judgment would not come to the rescue of the learned counsel for the appellant.

10.In view of the reasons stated, we are not inclined to admit the appeal. No argument has been advanced as regards the quantum. The judgment and decree dated 12.12.2025, passed by the Chief Judge, Motor Accidents Claims Tribunal, Court of Small Causes, Chennai, stands confirmed. The Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

(C.V.K.,J.) **(K.R.S.,J.)**
02-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.

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To

The Chief Judge, Motor Accidents Claims Tribunal,

Court of Small Causes, Chennai.

CMA No. 1266 of 2026

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