IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No.1163 of 2025

SBI General Insurance Co.Ltd.,
Good Shepherd Square Building,
3rd Floor, A Block, No.82,
Kodambakkam High Road,
Chennai - 600 034.

..Appellant(s)

Vs

1. Baby
2. N.Balakrishnan
3. N.Meera

..Respondent(s)

PRAYER : To set aside the award dated 06-12-2024 passed in MCOP.No.4253/2022 on the file of the MACT, Chief Judge, Court of Small Causes, Chennai.

For Appellant(s): P.Suresh Srinivasan

For Respondent(s): Mr.K.Varathakamaraj
for Mr.R.Ramkumar
for R1 & R2
M/s P.Muthukumarasamy
for R3

JUDGMENT

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

Challenging the award, dated 06.12.2024, passed in M.C.O.P.No.4253 of 2022, on the file of Motor Accident Claims Tribunal-cum-Chief Judge, Court of Small Causes, Chennai, the insurer has filed this Civil Miscellaneous Appeal.

2. The parties herein are referred to as per their litigative status before the Tribunal.

3. In the claim petition, it was stated by the claimants/petitioners, who are mother and father of the victim-B.Ajith, that on 27.08.2022 at about 15.20 hours, while the victim was riding a motorcycle bearing Registration No.TN 75 C 6536 along left side of East Coast Road near Ponniamman Koil, Arambakkam, Chengalpattu, an Innova Car bearing Registration No.TN 31 BF 5335, coming from opposite direction, driven in a rash and negligent manner, rammed against the victim's motorcycle, due to which, the victim sustained multiple injuries and died on the spot. It was further stated that at the time of accident, the deceased was aged 27 years and he was a Technician at Universal Elevators and earning Rs.27,451/- per month. It was also stated that respondent Nos.1 and 2, who were owner and insurer of the vehicle, were vicariously and statutorily liable to pay compensation to the petitioners with costs. Accordingly, they claimed a compensation of Rs.48.00 lakhs for the death of their son.

4. The insurer contested the petition, denying the allegations made in the petition. It was mainly contended that the deceased was solely responsible for the accident, by substantially contributing to the occurrence. The validity of records of the first respondent's vehicle, namely, Innova car, the driving licence of the driver and the insurance coverage of the said vehicle at the time of accident were also disputed. Accordingly, it was prayed to dismiss the petition.

5. During trial, on the side of petitioners, the first petitioner examined herself as P.W.1 and one eye- witness was examined as P.W.2. Exs.P-1 to P-16 were marked on their side. On behalf of respondents, Legal Executive of the insurance company was examined as R.W.1 and Exs.R-1 to R-3 were marked.

6. The Tribunal, after considering the evidence, both oral and documentary, accepted the case of the petitioners and allowed the petition, awarding a compensation of Rs.36,16,000/- as against the claim of Rs. 48.00 lakhs. Aggrieved over the said award, the insurer has filed this Civil Miscellaneous Appeal, as stated above.

7. Learned counsel for the appellant/insurer would contend that the deceased was solely responsible for the accident and hence the insurance company was not liable to pay any compensation. He would further contend that the Tribunal erred in fixing the monthly income of the deceased at Rs.25,000/- and also went wrong in adding 40% of the same towards future prospects. Accordingly, he prayed for setting aside the award passed by the Tribunal.

8. Conversely, learned counsel for the respondents/claimants would contend that the Tribunal had thoroughly appraised the evidence available on record and rightly come to the conclusion that the accident occurred only due to rash and negligent driving of the first respondent's vehicle by its driver. Accordingly, he prayed for confirming the award passed by the Tribunal.

9. We have heard the learned counsel for the parties and also gone through the records, including the award passed by the Tribunal.

10. P.W.2 was an eye-witness to the accident. He clearly deposed that the driver of Innova car bearing Registration No.TN31BF 5335 drove the car in a rash and negligent manner and dashed against the motorcycle bearing Registration No.TN 75 C 6536, on which the deceased was travelling. He further deposed that in the said impact the deceased fell down from the vehicle, sustained serious injuries and later died in hospital. Though an attempt was made by the insurer to shift the blame on the rider of the motorcycle, it was not successful.

11. However, Ex.R-3, Driving Licence of the driver of the first respondent's vehicle, revealed that there was a validity gap from 11.05.2017 to 30.08.2022, which would mean that during the said period, the driver of Innova car did not possess a valid licence to drive the said vehicle. It would also show that the first respondent had allowed the car to be driven by a person who did not possess a valid licence, which was in violation of the terms and conditions of the insurance policy. In the given situation, it was held by the Tribunal that

the driver of Innova car was rash and negligent in causing the accident, which resulted in the death of the deceased. However, the insurance policy was in force as on the date of accident. Since there was violation of the policy terms and conditions, the Tribunal directed the second respondent insurer to pay the compensation to the claimants and recover the same later from the first respondent.

12. With regard to the income of the deceased, the petitioners claimed that the deceased was a Technician at Universal Elevators and earning Rs.27,451/- per month. To substantiate the said claim, the petitioners produced Ex.P-9 I.D.Card, Ex.P-10 Offer letter, Ex.P-11 Salary Slips and Ex.P-12 Statement of Account. Based on the said documents, particularly Ex.P-11 Salary Slips, the Tribunal fixed the monthly income of the deceased at Rs.25,000/-. The deceased was aged 27 years at the time of accident. Hence, compensation towards Future Prospects was awarded at 40% and multiplier 17 was adopted. Since the deceased was a bachelor, one-half was deducted towards personal expenses. After deduction of income tax and professional tax, the annual income of the deceased was fixed at Rs.4,09,960/-. After so calculating, the loss of income/dependency for the family of the deceased was arrived at by the Tribunal at Rs.34,84,660/- i.e., Rs.4,09,960 x 17 x 12). In addition, a sum of Rs.16,500/- was awarded towards Loss of Estate; a sum of Rs.88,000/- (44,000 x 2) towards Loss of Consortium; a sum of Rs.16,500/- towards Funeral

Expenses; and a sum of Rs.10,000/- towards Transportation Charges were awarded by the Tribunal.

13. As a whole, a sum of Rs.36,15,660, which was rounded off to Rs.36,16,000/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realisation was awarded by the Tribunal. The said award, in our considered opinion, was perfectly justified and without any flaw.

14. As such, we confirm the award passed by the Tribunal and dismiss this Civil Miscellaneous Appeal. No costs. Consequently, the connected C.M.P.No.9538 of 2025 is closed.

(C.V.K.,J.) (K.R.S.,J.)
10-06-2026

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

DIXIT

To

1. Chief Judge, Court of Small Causes, Chennai.

2.V.R.Section, High Court, Madras.

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

DIXIT

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