



C.M.A. NOS.1832 OF 2024 & 1985 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

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CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR  
AND  
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A. NOS.1832 OF 2024 AND 1985 OF 2025

C.M.A. NO.1832 OF 2024

M/s.Renault Nissan Technology and  
Business Centre India Pvt. Ltd.,  
Accendos IT Park  
Mahindra World City SEZ,  
Plot No.TP 2/1, Natham Phase 1 & 2,  
Ground Floor, Chengalpattu,  
Kancheepuram – 603 002.

... Appellant /  
Respondent

*Versus*

1.Ganesh  
S/o. Shanmugam

2.Ashwini  
D/o. Ganesh

3.Kandhavel  
S/o. Ganesh

All are residing at:  
No.2026, 3<sup>rd</sup> Main Road, MMDA Colony,  
Mathur, Manali,  
Tiruvallur District – 600 068.

... Respondents /  
Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the  
Motor Vehicles Act, 1988, praying to set aside the Award dated September



C.M.A. NOS.1832 OF 2024 & 1985 OF 2025

5, 2022 passed in M.C.O.P. No.1944 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.1, Court of Small Causes, Chennai.

For Appellant : Ms.T.G.Niranjana  
for M/s.Surana and Surana

For Respondents : Ms.Jayanthi Bhaskar  
for Mr.J.Mahalingam

**C.M.A. NO.1985 OF 2025**

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S/o. Shanmugam

2.Ashwini

D/o. Ganesh

3.Kandhavel

S/o. Ganesh

All are residing at:

No.2026, 3<sup>rd</sup> Main Road, MMDA Colony,  
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... Appellants /  
Petitioners

***Versus***

M/s.Renault Nissan Technology and  
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Plot No.TP 2/1, Natham Phase 1 & 2,  
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... Respondent /  
Respondent



C.M.A. NOS.1832 OF 2024 & 1985 OF 2025

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation awarded in the Award dated September 5, 2022 passed in M.C.O.P. No.1944 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.1, Court of Small Causes, Chennai.

For Appellants : Ms.Jayanthi Bhaskar  
for Mr.J.Mahalingam

For Respondent : Ms.T.G.Niranjana  
for M/s.Surana and Surana

\* \* \*

### **COMMON JUDGMENT**

*(Judgment of the Court was made by R.Sakthivel, J.)*

Feeling aggrieved by the Award dated September 5, 2022 passed by 'the Motor Accidents Claims Tribunal, Special Sub Judge No.1, Court of Small Causes, Chennai' ['Tribunal' for short] in M.C.O.P. No.1944 of 2018, the petitioners therein have preferred C.M.A. No.1985 of 2025 praying to enhance the compensation awarded, while the respondent therein namely Renault Nissan Technology and Business Centre India Pvt. Ltd., has preferred C.M.A. No.1832 of 2024 praying to set aside the Award.

2. This Common Judgment will now decide both the Civil Miscellaneous Appeals, as they both arise out of one and the same Award.



3. For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Claim Petition.

**PETITIONERS' CASE**

4. The first petitioner is the husband of the deceased - Shankari; second and third petitioners are their daughter and son respectively.

4.1. On February 2, 2018 at about 07:00 a.m., the deceased was riding the motorcycle bearing Registration No.TN-05-BH-3236 at Gemini Flyover, on its eastern side in north to south direction, at that time, sole respondent's car bearing Registration No.TN-19-AC-1949 driven in a rash and negligent manner at a dangerous speed in the same direction as the deceased, dashed against the said motorcycle from its backside.

4.2. Due to the resultant impact, the deceased sustained grievous injuries. After being administered first aid at Government Royapettah Hospital, Chennai, she was transferred to Government Rajiv Gandhi General Hospital, Chennai where unfortunately despite treatment she passed away on February 5, 2018.

4.3. A First Information Report (F.I.R.) in Crime No.49 of 2018 was registered on the file of the TIW - Pondy Bazaar, in connection with the



accident, for the offences punishable under Sections 279 and 337 of the Indian Penal Code, 1860, against the driver of the respondent's car.

**4.4.** At the time of the accident, the deceased was aged 45 years and she was a Hindi Teacher; she was conducting coaching classes for 87 students and was thereby earning a sum of Rs.40,000/- per month.

**4.5.** It is the specific case of the petitioners that the accident occurred solely due to the rash and negligent act of the driver of the respondent's car. The respondent being the owner of the car is liable to compensate the petitioners. Accordingly, the petitioners filed the Claim Petition seeking a compensation of Rs.50,00,000/- (Rupees Fifty Lakhs only).

#### **RESPONDENT'S CASE**

**5.** The respondent filed a counter statement denying the petition averments. The manner of accident is specifically disputed. It is contended that there was no negligence on the part of the driver of the respondent's car. The accident occurred solely due to the rash and negligent riding of the deceased. Stating so, the respondent prayed for dismissal of the Claim Petition.



**TRIBUNAL**

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6. At trial, on the side of the petitioners, first petitioner was examined as P.W.1 and an ocular witness namely Mr.Gunasekaran was examined as P.W.2 and one Mrs.Yamuna, who is said to have worked under the deceased was examined as P.W.3 and Ex-P.1 to Ex-P.21 were marked. On the side of the respondent, one Mr.Neelaram, Assistant Manager in respondent - Company, who was driving the alleged offending car at the material point of time, was examined as R.W.1 and Ex-R.1 to Ex-R.4 were marked.

7. The Tribunal heard either side and considered the evidence available on record. The Tribunal relied on Ex-P.1 - F.I.R., and the evidence of P.W.1 and the ocular witness (P.W.2), to hold that the accident occurred due to the rash and negligent driving of the driver of the respondent's car bearing Registration No.TN-19-AC-1949. The Tribunal further found that the offending car involved in the accident was not insured with any insurance company and hence, the respondent is liable to pay compensation to the petitioners. The Tribunal awarded a sum of Rs.16,90,000/- (Rupees Sixteen Lakhs Ninety Thousand only) as compensation, as tabulated hereunder:



C.M.A. NOS.1832 OF 2024 & 1985 OF 2025

| S.No.                     | Head               | Amount                |
|---------------------------|--------------------|-----------------------|
| 1                         | Loss of Dependency | Rs.15,40,000/-        |
| 2                         | Loss of Consortium | Rs.1,20,000/-         |
| 3                         | Loss of Estate     | Rs.15,000/-           |
| 4                         | Funeral Expenses   | Rs.15,000/-           |
| <b>Total compensation</b> |                    | <b>Rs.16,90,000/-</b> |

8. Challenging the Award, the respondent - Company has preferred C.M.A. No.1832 of 2024 and seeking enhancement of the compensation, the petitioners have preferred C.M.A. No.1985 of 2025.

#### **ARGUMENTS**

9. Heard Ms.T.G.Niranjana, learned Counsel appearing on behalf of M/s.Surana and Surana, Counsel on record for the appellant in C.M.A. No.1832 of 2024 / respondent in C.M.A. No.1985 of 2025 / respondent in Claim Petition, and Ms.Jayanthi Bhaskar, learned Counsel appearing on behalf of Mr.J.Mahalingam, learned Counsel on record for the appellants in C.M.A. No.1985 of 2025 / respondents 1 to 3 in C.M.A. No.1832 of 2024 / petitioners in Claim Petition.

10. Ms.T.G.Niranjana, learned Counsel submits that it is the deceased who negligently attempted to overtake the respondent's car on its left side. To substantiate the same, the respondent marked Ex-R.1 to Ex-



R.4 which necessarily proves that the deceased caused the accident. In Ex-

R.3 - Motor Vehicle Inspection Report [M.V.I. Report] of the respondent's car shows that the car sustained damages on its left side front door alone.

As per Ex-R.4 - copy M.V.I. Report of the deceased's motorcycle, it sustained damages on its front panel guard, rear body panel guard, both on its right side were damaged. Ex-R.3 and Ex-R.4 probablizes the case of the respondent that the deceased alone is solely responsible for the accident.

The Tribunal erred in fixing the negligence on the respondent's car's driver.

Further, the Tribunal erred in fixing the monthly income of the deceased at Rs.11,000/- without any basis. The petitioners have not adduced any documentary evidence to prove the alleged fact that the deceased was self-employed by conducting Hindi classes. Hence, the Tribunal is right in holding that the employment of the deceased is not proved but it erred in fixing the monthly income on the higher side. Accordingly, she prays to allow the Civil Miscellaneous Appeal in C.M.A. No.1832 of 2024 and dismiss that in C.M.A. No.1985 of 2025 and set aside the Award passed by the Tribunal.

**11. *Per contra*,** Ms.Jayanthi Bhaskar, learned Counsel contends that the accident occurred due to the rashness and negligence on the part of the



driver of the respondent's car. The Tribunal is right in fixing the liability on the respondent - Company, however, it failed to consider the fact that the deceased is a Graduate and a skilled teacher which were proved by sufficient oral and documentary evidence and erred in taking her monthly income at a very meagre amount. Rs.11,000/- fixed by the Tribunal as the monthly income of the deceased is on the lower side. Accordingly, she prays to allow C.M.A. No.1985 of 2025, dismiss C.M.A. No.1832 of 2024 and enhance the compensation awarded by the Tribunal.

**POINTS FOR CONSIDERATION**

12. Heard on either side and perused the evidence available on record. The points that arise for consideration in these Civil Miscellaneous Appeals are as follows:

- (i) Whether the accident occurred due to the negligence of the driver of the respondent's car or due to that of the deceased ?
- (ii) Whether the compensation awarded by the Tribunal is just, fair and reasonable?
- (iii) Whether the Award of the Tribunal is liable to be interfered with?



**DISCUSSION AND DECISION**

**13.** In so far as negligence is concerned, the case of the petitioners is that the accident occurred solely due to the rash and negligent act of the driver of the respondent's car. According to the petitioners, when the deceased was travelling in a motorcycle in Gemini Flyover towards Tambaram, the respondent's car in a rash and negligent manner dashed behind the deceased's motorcycle and caused the accident. On the other hand, the respondent -Company disputes the manner of accident alleged by the petitioners and contends that the accident occurred due to the rash and negligent driving of the deceased. The respondent alleges that the deceased rashly negligently overtook the respondent's car on the left side corner of the road, which resulted in the accident.

**14.** In this case, Ex-P.1 - F.I.R. has been registered against the driver of the respondent's car. In the F.I.R., it has been stated that the respondent's car dashed against the deceased's motorcycle on its rear and caused the accident. P.W.2 who is an eye witness to the accident has deposed in line with the contents of the F.I.R. and the claim petition. The evidence of P.W.2 coupled with Ex-P.1 - F.I.R. proves the case of the petitioners *qua* manner of accident.



15. The respondent examined Mr.Neelaram, the driver of its car at the time of accident, as R.W.1. He marked Ex-R.1 to Ex-R.4. He deposed that the accident occurred when the deceased overtook the car on the left side rashly and negligently. According to the respondents, Ex-R.3 and Ex-R.4 M.V.I. Reports of the motorcycle and the car respectively would prove their case. As it could be seen from Ex-R.3, the respondent's car suffered damages to its left side door alone. Ex-R.4 shows that the deceased's motorcycle suffered damages to its front body panel guard and rear body panel, on their right side. These facts are not sufficient to believe the manner of accident as alleged on the respondent's side. In fact, if at all they are to be taken as conclusive evidence, they better support the case of the petitioners than that of the respondent; the damage on the rear end right makes it probable that the respondent's car rear ended the deceased's motorcycle and the damage to the front right side could have occurred when the motorcycle crashed down due the impact on its rear right side. Ex-R.1 - Rough Sketch just shows the exact location at which the accident happened and Ex-R.2 - Observation Mahazar also does not show anything significant or help the case of the respondent. Hence, this Court is of the view that the respondent failed to rebut the case of the petitioners. The deposition of R.W.1 who is the driver of the respondent's car does not by



itself cast any doubt on the case of the petitioners in view of the clear and cogent evidence on the side of petitioners. Hence, this Court finds that the Tribunal is right in fixing negligence on the part of the respondent's car's driver. Admittedly, the respondent's car was not insured and hence, the Tribunal rightly held the respondent liable to compensate the petitioners.

***Point No.(i) is answered accordingly, in favour of the petitioners.***

16. Though the Tribunal is correct in fixing negligence and liability on the side of the respondent, the Tribunal has erred in fixing Rs.11,000/- as notional income of the deceased despite of production of Ex-P.5 to Ex-P.13 which shows that the deceased was a Graduate and was literate in Hindi language. However, they do not establish her income. Taking into consideration the said fact the deceased is a qualified hindi teacher and the year of accident, this Court is of the view that Rs.11,000/- fixed by the Tribunal is on the lower side and this Court is inclined to re-fix the same by considering cost inflation index as per the principle laid down by a Co-ordinate Bench of this Court in ***Andal -vs- Abhinav Kannan*** reported in ***2019 (1) TNMAC 54***. The deceased's income accordingly comes to Rs.13,705.42/-. The same shall be rounded off to Rs.14,000/- and the same shall be taken as the notional income of the deceased. The Tribunal rightly held that the deceased was aged 43 years at the time of accident by relying



on Ex-P.13 which is her degree certificate. The Tribunal rightly applied 25% future prospects as per *National Insurance Company Limited -vs- Pranay Sethi*, reported in (2017) 16 SCC 680. Further, the 1/3<sup>rd</sup> deduction towards personal expenses is also justifiable considering that there are three dependents. Further the Tribunal applied the multiplier of 14 which is the right multiplier as per *Sarla Verma -vs- Delhi Transport Corporation*, reported in (2009) 6 SCC 121. The compensation awarded by the Tribunal towards the other heads viz., conventional heads are in tune with Judgment of Hon'ble Supreme Court in *Pranay Sethi's Case* and hence needs no interference. To this extent alone, the Award of the Tribunal is liable to be interfered with. ***Point Nos.(ii) and (iii) are answered accordingly.***

17. The calculation under the head of loss of income / dependency can be tabulated as hereunder:

| Compensation under the Head of Loss of Income / Dependency |                             |                                      |                |
|------------------------------------------------------------|-----------------------------|--------------------------------------|----------------|
| S. No.                                                     | Particulars                 | Calculation                          | Amount (Rs.)   |
| 1                                                          | Monthly Salary              | Rs.14,000/-                          | Rs.14,000/-    |
| 2                                                          | Add: Future Prospects @ 25% | Rs.14,000/- X 25/100 =<br>Rs.3,500/- | Rs.17,500/-    |
| 3                                                          | Annual Income               | Rs.17,500/- X 12                     | Rs.2,10,000/-  |
| 4                                                          | Less: 1/3rd Deduction       | Rs.2,10,000/- X 1/3 =<br>Rs.70,000/- | Rs.1,40,000/-  |
| 6                                                          | Applying Multiplier of 14   | Rs.1,40,000/- X 14                   | Rs.19,60,000/- |
| Loss of Income / Dependency                                |                             | Rs.19,60,000/-                       |                |



**CONCLUSION**

**18.** The compensation as modified by this Court is tabulated below:

| <i>S.No.</i> | <i>Head</i>        | <i>Amount<br/>awarded by the<br/>Tribunal</i> | <i>Amount<br/>re-quantified by<br/>this Court</i> | <i>Status</i>   |
|--------------|--------------------|-----------------------------------------------|---------------------------------------------------|-----------------|
| 1            | Loss of Dependency | Rs.15,40,000/-                                | Rs.19,60,000/-                                    | Enhanced        |
| 2            | Loss of Consortium | Rs.1,20,000/-                                 | Rs.1,20,000/-                                     | Confirmed       |
| 3            | Loss of Estate     | Rs.15,000/-                                   | Rs.15,000/-                                       | Confirmed       |
| 4            | Funeral Expenses   | Rs.15,000/-                                   | Rs.15,000/-                                       | Confirmed       |
| <b>Total</b> |                    | <b>Rs.16,90,000/-</b>                         | <b>Rs.21,10,000/-</b>                             | <b>Enhanced</b> |

**19.** The respondent / M/s.Renault Nissan Technology and Business Centre India Pvt. Ltd., is directed to deposit the **Enhanced award amount of Rs.21,10,000/- (Rupees Twenty-One Lakh Ten Thousand only)** along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, to the credit of M.C.O.P. No.1944 of 2018 on the file of Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai, less the amount if any already deposited, within a period of two months from the date of receipt of a copy of this Judgment. On such deposit being made, the petitioners / claimants are entitled to withdraw the same, by filing proper application. Apportionment shall be proportionate to that made by the Tribunal. On all other aspects, the Award of the Tribunal shall hold good.



**20. In fine,**

- (i) The Civil Miscellaneous Appeal filed by the petitioners/claimants in C.M.A. No.1985 of 2025 is allowed-in-part with proportionate costs throughout.
- (ii) The Civil Miscellaneous Appeal filed by the respondent / M/s.Renault Nissan Technology and Business Centre India Pvt. Ltd., in C.M.A. No.1832 of 2024 is dismissed and there shall be no order as to costs n C.M.A. No.1832 of 2024 in view of the facts and circumstances.

[N.S.K., J.]

[R.S.V., J.]

**24.02.2026**

Index : Yes  
Neutral Citation : Yes  
Speaking Order : Yes  
TK

To  
The Motor Accidents Claims Tribunal  
Special Sub Court No.1  
Court of Small Causes  
Chennai.



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**N.SATHISH KUMAR, J.**  
**AND**  
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**24.02.2026**

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