



C.M.A.No.2325 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.2325 of 2022

and

C.M.P.No.18103 of 2022

United India Insurance Co. Ltd.,
MICRO Office,
Pappa Plaza, 1st Floor,
70/8, Mettupalayam Road,
Near Tekephone Exchange,
Perianaickenpalayam,
Coimbatore – 641 020.

... Appellant

VS

1.K.Pushpalatha
W/o.Late R.Sankaranarayanan

2.S.Anusha
D/o.Late R.Sankaranarayanan

3.S.Ramakrishnan
F/o.Late R.Sankaranarayanan

4.K.Siva
S/o.Kenchathambati



C.M.A.No.2325 of 2022

5.T.Muthulakshmi
W/o.K.Thangavel

... Respondents

Prayer: Civil Miscellaneous Appeal filed u/s.173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 26.10.2021 passed in M.C.O.P.No.1349 of 2017 on the file of Motor Accident Claims Tribunal (V Additional District Judge), Coimbatore.

For Appellant : Mr.R.Sree Vidhya

For Respondents : Mr.K.Mayilsamy [R1 & R3]
Not ready in notice [R2 & R4]
No appearance [R5]

JUDGMENT

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

Challenging the award passed by the Tribunal in and by its judgment dated 26.10.2021 passed in M.C.O.P.No.1349 of 2017 on the file of Motor Accident Claims Tribunal (V Additional District Judge), Coimbatore, appellant insurance company has filed the present appeal.



C.M.A.No.2325 of 2022

2. The brief facts of the case is as follows:

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Respondents 1 to 3 are claimants. The fourth respondent is the driver of the offending vehicle and fifth respondent is the owner of the offending vehicle. On 27.10.2016 at about 10.30 a.m., while the deceased was riding his Motor Cycle bearing Registration No.TN-40-H-7124 on the Keeranatham – Athippalayam Main Road, a Tipper Lorry bearing registration No.TN-99-C-7974, belonging to fifth respondent and insured with the appellant insurance company, came in a rash and negligent manner and dashed against the motor cycle, owing to which the deceased sustained grievous injuries all over the body and he died on the way to hospital. Respondents 1 to 3/claimants filed a claim petition seeking compensation in a sum of Rs.75,00,000/-.

3. The claim was resisted by appellant insurance company by filing a detailed counter.

4. To prove their case, on the side of respondents 1 & 3/claimants, 14 witnesses were examined and 35 documents were marked. On the side of



C.M.A.No.2325 of 2022

appellant insurance company, none were examined and one document was marked. On the side of third party, 46 documents were marked.

5. On appreciation of materials on record, the Tribunal found that the accident had occurred owing to the rash and negligent driving of the Tipper Lorry belonging to fifth respondent and held that the appellant insurance company, as insurer of the Tipper Lorry, was liable to pay compensation. Accordingly, the Tribunal has awarded a sum of Rs.35,94,800/- as compensation. The said sum was directed to be paid together with interest at 7.5% p.a. from the date of petition till the date of realization. Challenging the same, appellant insurance company has filed the present appeal.

6. Learned counsel for appellant insurance company submits that though the Tribunal has taken into consideration Ex.X2 - salary certificate pertaining to the month of Oct'2016, which shows that a sum of Rs.32,081/- was credited to the account of the deceased as monthly salary and he was working as Special Teacher, the Tribunal has erroneously fixed his monthly salary at Rs.40,000/-. In the absence of any proof, fixing of monthly income



C.M.A.No.2325 of 2022

at Rs.40,000/- is very much on the higher side. Learned counsel further submits that the amount awarded under the other heads is also on the higher side and the same requires proper reduction.

7. *Per contra*, learned counsel for respondents 1 & 3/claimants made his submissions supporting the award passed by the Tribunal.

8. This Court has considered the rival submissions. Perused the materials on record.

9. This Court finds substance in the submission of learned counsel for appellant that no proof was produced by the claimants to establish the income of the deceased as Rs.40,000/-. This Court also finds that Ex.X2-photocopy of the salary particulars pertaining to the month of Oct'2016, shows that a sum of Rs.32,081/- was deposited towards the monthly income of the deceased and the same was also recorded by the Tribunal. Hence, this Court fixes Rs.32,081/- as the monthly income of the deceased and adds 10% towards future prospects since the deceased was aged more than 50



C.M.A.No.2325 of 2022

years. Accordingly, the compensation under the head 'loss of dependency' is calculated as follows:

Monthly Income	:	Rs. 32,081/-
Add: Future Prospects 10% of Rs.32,081/-	:	Rs. 3,208/-

		Rs. 35,289/-
Less: Personal expenses [35289*1/3]	:	Rs. 11,763/-

		Rs. 23,526/-
Annual Income [23,526 * 12]	:	Rs. 2,82,312/-
Multiplier		x 11

Loss of dependency	:	Rs.31,05,432/-

This Court finds that no amount was awarded towards filial consortium and hence, a sum of Rs.40,000/- is granted under this Court. The amount awarded under the other heads is justifiable.



C.M.A.No.2325 of 2022

10. Accordingly, the modified compensation would be:

Sl. No.	Compensation awarded under the head	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Loss of dependency	34,84,800/-	31,05,432/-
2.	Spousal Consortium	40,000/-	40,000/-
3.	Parental Consortium	40,000/-	40,000/-
4.	Filial Consortium	-	40,000/-
5.	Loss of Estate	15,000/-	15,000/-
6.	Funeral expenses	15,000/-	15,000/-
	Total	35,94,800/-	32,55,432/-

In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation of Rs.35,94,800/- awarded by the Tribunal is hereby reduced to Rs.32,55,432/-. Appellant insurance company is directed to deposit the reduced compensation of Rs.32,55,432/- (Rupees Thirty Two Thousand Fifty Five Thousand Four Hundred and Thirty Two only), less the amount already deposited, together with interest at 7.5% p.a. from the date of petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit being made by appellant insurance company, respondents 1 to 3/claimants are permitted to withdraw



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C.M.A.No.2325 of 2022

C.V. KARTHIKEYAN, J

and

K.RAJASEKAR, J

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their respective shares, as apportioned by Tribunal, along with accrued interest and costs, less the amount, if any already withdrawn by them, by filing necessary application before the Tribunal. No costs. Connected miscellaneous petition is closed.

[C.V.K., J]

[K.R.S., J]

04.03.2026

Speaking / Non-speaking order

Index: Yes/No

NCC:Yes/No

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To

The Motor Accident Claims Tribunal
(V Additional District Judge),
Coimbatore.

C.M.A.No.2325 of 2022