



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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

**CMA No. 2754 of 2025
and CMP.No.23320 of 2025**

1. State of Tamil Nadu
Rep by District Collector
Kallakuruchi district.

2. Superintendent of Police
Villupuram District

Appellant(s)

Vs

1. Gnanam
2. Kalaiyarasi
3. Gowtham

Respondent(s)

PRAYER: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to Set-aside the judgement and decree passed by the Honble MACT/ III Additional District Judge, Villupuram @ Kallakurichi in MCOP.No.213 of 2021 vide order dated 20-12-2023.

For Appellant(s): Mrs.R.Anitha
Special Government Pleader

For Respondent(s): Mr.Amar Dineshbhai Pandiya

JUDGMENT

(Order of the Court was made by N.Sathish Kumar J.)

Challenging the award made in MCOP.No.213 of 2021 on the file of the Motor Accident Claims Tribunal/III Additional District Judge, Villupuram, the present appeal has been filed. The appellant herein are the State and the



respondents are the claimants.

2. Brief facts in filing the appeal is as follows:-

2.a. The deceased was riding a vehicle bearing Reg.No.TN-15-T-497 from west to east on the left side of Salem to Chennai Highway near Global School, Kallakurichi on 21.01.2021 at about 10.25 am, at that time, the second respondent vehicle bearing Reg.No.TN-32-G-0808 (Eicher) was driven by its driver in a rash and negligent manner in opposite direction and dashed against the deceased vehicle. a 40 feet trailer bearing Registration No.TN18 AK 7259. As a result, the deceased succumbed to injuries. The deceased was working as Salesman in the Primary Agricultural Co-operative Society, Sulankurichi, who was earning Rs.50,000/- at the time of death and hence, the claimants being the wife and children of the deceased have filed the petition claiming compensation.

2.b. It is the contention of the Insurance Company before the Tribunal that accident had occurred solely to the negligence of the deceased, who was riding the vehicle without following traffic rules at the time of accident. The Tribunal framed the following points for consideration:-

- 1) Whether the accident has occurred due to the rash and negligent driving of the 2nd respondent's driver?
- 2) Whether the petitioners are entitled compensation?
- 3) Whether the respondents are liable to pay compensation?



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4) If so, what is the just and necessary proper compensation?

5) To what relief, the petitioners are entitled for?

2.c. Before the Tribunal, on the side of the claimants, PW1 to PW4 were examined and Exs.P1 to P13 were marked. On the side of the respondents, one Venkatesan working as Driver in the first respondents corporation has been examined as RW1 and Exs.R1 and R2 were marked.

2.d. Based on the material and evidences, the Trial Court awarded the compensation as follows:-

Sl.No.	Heads	Calculation
1	Total loss of dependency	Rs.22,30,448/-
2	Loss of consortium	Rs.40,000/-
3	Loss of estate	Rs.15,000/-
4	Funeral expenses	Rs.15,000/-
5	Loss of love and affection to the petitioners	Rs.75,000/-
Total compensation is fixed at		Rs.23,75,448/-

2.e. The Trial Court while fixing the compensation took the monthly income as Rs.22,040/- (after deducting of income tax), and applied the multiplier as per the age of the deceased and considering other aspects, awarded the compensation.

3. Challenging the same, the State has preferred the instant civil miscellaneous appeal.



4. The main contention urged before this Court in the appeal by the learned Special Government Pleader is that though the deceased was earning a gross salary of Rs.22,040/-, but, his take home salary was Rs.9,788/-, whereas, the Trial Court has taken into consideration of the entire gross salary and awarded the compensation.

5. Heard the learned Special Government Pleader for the appellants and the learned counsel for the respondents and perused the materials placed on record.

6. The accident is not in dispute. The gross salary of the deceased is Rs.22,040/-, deduction in his salary includes EPF contribution and some consumer loan. This Court is of the view that merely, because the EPF contribution made by a person is deducted from the gross salary, it cannot be said that it does not include salary. Similarly, consumer loan deducted by the Society from his gross salary also cannot be said that it does not include salary. As long as there is no dispute with regard to the gross salary, the deduction under EPF or consumer loan from the gross salary cannot be said that it does not include the salary of the deceased. We are of the view that the Tribunal was right in taking into consideration of the gross salary and had applied correct multiplier and has awarded the compensation. In such view of the matter, we do



not find any merits in the appeal.

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7. In fine, this Civil Miscellaneous Appeal is dismissed and the judgment and decree dated 20.12.2023 made in M.C.O.P.No.213 of 2021 on the file of Motor Accident Claims Tribunal/III Additional District Judge, Villupuram is confirmed. No costs. Consequently, connected miscellaneous petition stands closed.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
02-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 2754 of 2025



To

The Motor Accident Claims Tribunal
Judge/The III Additional District Judge
Motor Accident Claims Tribunal, III
Additional District Court,
Villupuram @ Kallakurichi



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**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

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