



C.M.A.No.2064 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Civil Miscellaneous Appeal No.2064 of 2022

and

Civil Miscellaneous Petition No.15987 of 2022

The Divisional Manager,
HDFC ERGO General Insurance Company Limited.
No.199, 6th Floor, MBC Tower,
Luz Church Road, Mylapore,
Chennai-4.

... Appellant/2nd respondent

Vs.

1.Kalaiselvi
2.Sekar
3.Lokesh
4.V.Ravichandran

... Respondents/Respondents
... 4th Respondent/1st respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 01.11.2021 made in M.C.O.P.No.29 of 2017 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tiruvannamalai.

For Appellant	:	Mr.K.Vinod
For R1 to R3	:	M/s.M.Malar
For R4	:	No appearance



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JUDGMENT

WEB COPY The Civil Miscellaneous Appeal has been filed by the Insurance Company, aggrieved over the negligence fixed on the driver of the first respondent and also challenging the quantum of compensation granted to the claimants as per the award dated 01.11.2021, made in M.C.O.P.No.29 of 2017, on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tiruvannamalai.

2. For the sake of convenience, the parties are referred to hereunder according to their litigative status and ranking before the trial Court.

3. The case of the claimants is as follows:

The respondents 1 to 3 herein are the claimants who have filed a claim petition seeking compensation for the death of one Vignesh, aged about 23 years in the road accident taken place on 14.07.2016 at about 9.30 hours. According to them, the deceased Vignesh riding a two-wheeler bearing registration No.TN 25 AP 0703 on Tiruvannamalai to Tindivanam road, near So.Puthur Village the driver of the Hyundai Creta Car bearing registration No.TN 03 S 0609 belongs to the first respondent therein came in the opposite direction in a rash and negligent manner and dashed on the two wheeler. Due to which, the deceased sustained multiple injuries on his head, left eyebrow, right



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hand knee and died on the spot. The Sub Inspector of Police, Kilpennathur Police Station registered a case in Crime No.247/2016 under Sections 279 and 304(A) IPC against the driver of the Hyundai Creta Car. Hence, the claimants have filed a claim petition claiming compensation of Rs.50 lakhs.

4. Before the Tribunal, the owner of the vehicle remained ex-parte and the Insurance Company contested the claim questioning the negligence as well as the quantum of compensation claimed under various heads. The first and second claimants examined themselves as P.W.1 and P.W.2 and Exs.P1 to P18 were marked. On the side of the respondents, Special Sub Inspector of Police, Kilpennathur Police Station was examined as R.W.1 and the driver/owner of the offending vehicle was examined as R.W.2 and no documents marked.

5. After considering the evidence the Tribunal held that the accident happened due to the rash and negligent driving of the driver of the first respondent Hyundai Car and awarded a sum of Rs.30,96,600/- as compensation to the claimants.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the Insurance Company has filed this present Civil Miscellaneous Appeal.



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7. The Insurance Company filed this appeal on the ground that the deceased was also responsible for causing the accident. However, the Tribunal had failed to appreciate the evidence adduced on the side of the Insurance Company more particularly the evidence of the driver of the car. He further submitted that the compensation awarded based on the notional monthly income fixed as Rs.20,000/- per month and the same is also on the higher side. Hence, he prayed to set aside the said finding and to modify the same.

8. The learned counsel for the respondents/claimants submitted that after considering the evidence placed on record, the Tribunal has awarded compensation and the same is just and fair and the same is not excessive and prays to confirm the award.

9. We have considered the rival submissions made on both sides and also perused the materials available on record.

10. The learned counsel for the appellant / Insurance Company submitted that they examined the driver of the Hyundai car as R.W.2 and contended that the two-wheeler was driven in a rash and negligent manner and that the negligent act of the rider of the two-wheeler / deceased was responsible for the accident. It also placed on record that there are three occupants of the



offending car which was driven by R.W.2 also suffered injuries and they have separately filed claim petition seeking compensation alleging the driver of the car is responsible for the accident. That claim petition had also been allowed and the Insurance Company has also satisfied the award by depositing the claim amount.

11. That being the case, once again disputing the liability of the Insurance Company in this case, by relying on the evidence of R.W.2 the driver of the car is not proper. Even independently we have also perused the records and we are of the view that the evidence adduced on the side of the claimants is more probable to prove the negligent act of the driver of the car. Hence, we inclined to confirm the finding of the Tribunal that the driver of the car is responsible for the accident and the respondents are liable to pay the compensation to the claimants.

12. With regard to the quantum of compensation, the Tribunal by relying on the Judgment of this Court passed in ***Managing Director, Tamil Nadu State Transport Corporation Limited vs. Neela and another*** reported in ***2019 (2) TN MAC 153 (DB)***, wherein the Division Bench of this Court has fixed the notional income of the 4th year student of B.E., Mechanical Engineering was Rs.20,000/- per month.



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13.In this case, we have also gone through the educational qualification of the deceased. The deceased in this case had graduated as B.E. Mechanical Engineering in the year 2011 and he had participated various workshops and various training course and he was having additional qualification of Computer Course etc. The Tribunal had also recorded that the deceased, if he had been alive, he would have reached a high position in life. After making above observation based on various certificates which were marked as Ex.P10 to P17, the Tribunal by applying the Judgment cited supra, fixed the notional income of Rs.20,000/- per month. We find no reason to interfere with the above finding of the Tribunal fixing of notional income at Rs20,000/- per month.

14.Further, the Tribunal after considering the future prospects and after deducting the Income tax fixed the loss of income as Rs.29,46,600/-. We find there is no infirmity in the approach made by the Tribunal in fixing the compensation under the head loss of income. Further the Tribunal has also awarded compensation under the conventional heads such as loss of consortium, loss of estate and funeral expenses. We find there is no infirmity in the compensation awarded under the above conventional heads and the same is hereby confirmed.



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15. In the result, the Civil Miscellaneous Appeal is dismissed. The compensation awarded by the Tribunal at Rs.30,96,600/- is hereby confirmed. The appellant-Insurance Company is directed to deposit the award amount as awarded by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.29 of 2017 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Tiruvannamalai. On such deposit, the claimants are permitted to withdraw the awarded amount deposited by the Insurance Company along with proportionate interest and costs, less the amount if any, already withdrawn. The Tribunal shall disburse the awarded amount by directly giving credit to the Savings Bank Account of the claimants. In other aspects, the award of the Tribunal shall stand confirmed. There shall be no order as to costs in the present appeal. Consequently, the connected miscellaneous petition stands closed.

C.V.K.,J

K.R.S.,J.

22.04.2026

ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case: Yes/No

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To:

1. The Special Sub Judge,
Motor Accidents Claims Tribunal,
Tiruvannamalai.
2. The Section Officer,
V.R.Section,
High Court,
Chennai.



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