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CMA No. 1032 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No.1032 of 2023

and

CMP No.9790 of 2023

M/s.Royal Sundaram General Insurance Co. Ltd.,
D.No. 186/5, Royal Towers,
3rd Floor, New Bus Stand Road,
Meyyanur, Salem-636004

..Appellant

Vs

1. R.Ravi
2. Easwari
3. Dr.A.Sathish
4. S.Karthik

5. National Insurance Company Ltd.,
Division Office, 81-D, North Car Street,
Tiruchengode-637 211

..Respondents

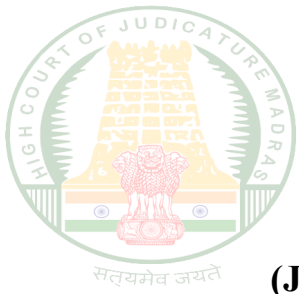
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 seeking to set aside the Order of Award dated 21-03-2022 passed in MCOP No.518 of 2018 on the file of the Motor Accidents Claims Tribunal (Special District Court), Dharmapuri.

For Appellant:

Mr.G.Vasudevan

For Respondents:

Mr.T.Deeraj for
M/s.PV Law Associates for R1 & R2
Mr.R.Premchander for R5
No appearance for R3 and R4



JUDGMENT

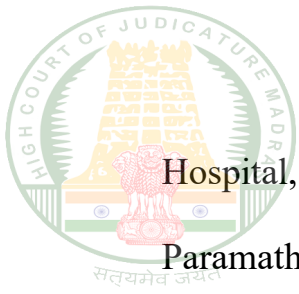
(Judgment of the Court was delivered by C.V.Karthikeyan J.)

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Challenging the award dated 21.03.2022 passed by the Motor Accidents Claims Tribunal (Special District Court), Dharmapuri in M.C.O.P.No.518 of 2018, the Insurance Company has come up with the present Civil Miscellaneous Appeal.

2. Facts of the case are as follows:-

The petitioners are the parents of one Sakthi, who died in a road accident occurred on 15.04.2018. On the particular date, the said Sakthi, a final year B.E. student of Mechanical Engineering at PGP College of Engineering and Technology, Namakkal, after completion of the farewell party held in the college, was travelling as a pillion rider in a motorcycle along with friends Premkumar and Jayakumar bearing registration No. TN 28AX 9601 ridden by Premkumar to go to his room situated at Maravapalayam. Whiles, when the motorcycle reached near Paramathi Maravapalayam cross junction road and tried to cross the junction from east to west, it faced a head on collision with a Car bearing registration No. TN 29 AS 0414 belonging to one Dr.A.Sathish, the third respondent herein and insured with the appellant and in that accident, the deceased Sakthi sustained head injuries and other injuries. He was admitted in Akshaya Hospital, Namakkal and later, shifted to Dharmapuri Government



Hospital, however, despite treatment afforded, he succumbed to the injuries.

Paramathi police have registered FIR against the driver of the car in Cr.No.72/2018, under sections 279, 337, 338 @ 279, 337, 304(A) IPC. For the death of their son, the claimants/respondents 1 and 2 herein had filed a claim petition seeking a total compensation of Rs.50,00,000/-.

3. On completion of trial, the Tribunal had awarded a sum of Rs.20,50,880/- as compensation. Challenging the said award, the present Appeal has been filed by the insurer of the Car belonging to the appellant.

4. Heard the learned counsel appearing for the parties and perused the materials available on record.

5. The main contention taken by the appellant is that the rider and the pillion riders had ridden the motorcycle in triplet without wearing head gears, came in the opposite direction in a rash and negligent manner and brought about the accident and therefore, the driver of the car alone was not solely responsible for the accident and contributory negligence ought to have been attributed equally to the driver of the motorcycle and the liability ought to have been mulcted upon the insurer of the motorcycle namely the fifth respondent herein. It is further contended that the compensation awarded was also on the higher side.



6. We have gone through the award passed and the materials available for the Tribunal to arrive at the conclusion. Before the Tribunal, the first claimant namely, the father of the deceased was examined as PW1 and Premkumar, the rider of the motorcycle was examined as PW2. Exs.P1 to P24 were marked on the side of the claimants. On the side of the appellant, three witnesses were examined as R.Ws.1 to 3 and three documents were marked as Exs.R1 to R3.

7. With regard to the negligence aspect and the manner in which the accident had occurred, the Tribunal had elaborately discussed the same, considered the evidence of PW2, the rider of the motorcycle and found that his version to the effect that the motorcycle was dashed on its rear side by the Car was corroborated by Ex.P1, FIR and Ex.P24 Final Report. The Tribunal had given its consideration to the contention of negligence to be attributed to the rider and pillion riders of the motorcycle in travelling in triplet without head gears and accepting the ground reality, has deducted 15% of compensation towards such negligence on the part of the deceased, which in our view, does not warrant any interference.

8. Coming to the question of quantum of just compensation, while the appellant claims the award of the Tribunal to be on the higher side, the learned counsel for the claimants, by producing a recent decision of the Hon'ble Supreme Court in *S.Mohammed Hakkim vs. National Insurance Co. Ltd. &*



others (2025(2) TN MAC 227(SC)) sought for enhancement of the same.

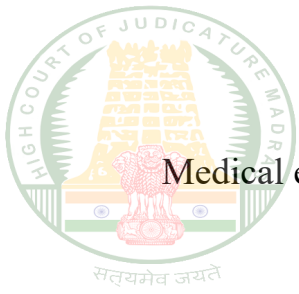
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9. Though the claimants have not filed a separate Appeal seeking enhancement of compensation, in the interest of justice, this court is inclined to go into the question of enhancement, more particularly, in view of the pendency of the issue at the instance of the appellant-Insurance Company. In the decision relied on by the learned counsel for the claimants, wherein the injured claimant was a college student, the monthly notional income has been fixed as Rs.20,000/-. Therefore, we are of the view that the notional income of Rs.15,000/- fixed by the Tribunal in the case on hand can be enhanced to Rs.20,000/- and accordingly, it is enhanced. On addition of 40% towards future prospectus, the annual income is arrived at Rs.3,36,000/- and after deducting 50% towards personal expenses, the annual contribution of the deceased to the family is arrived at Rs.1,68,000/-. The multiplier of 18 adopted by the Tribunal being a proper one, the total pecuniary loss is arrived as Rs.30,24,000/-.

10. The compensation awarded by the Tribunal under various other heads, in our view, is appropriate except the award of Rs.12,000/- towards transport charges, which, in our view, cannot be granted.

11. Accordingly, the total compensation is tabulated hereunder:-

Heads of compensation	Amount in Rupees
Compensation for pecuniary loss	30,24,000
Loss of filial consortium for petitioners	80,000
Loss of estate	15,000
Funeral expenses	15,000



Medical expenses

22,800

Total

31,56,800

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12. After giving a deduction of 15% towards the negligence on the part of the deceased in travelling in triplet without head gear, the total compensation to which the claimants are entitled is arrived at Rs.26,83,280/-. Accordingly, the compensation awarded by the Tribunal is enhanced to Rs.26,83,280/-. The appellant shall deposit the award amount less the amount already deposited by them before the Tribunal within eight weeks from the date of receipt of a copy of this judgment and on such deposit, respondents 1 and 2/claimants are permitted to withdraw the same by filing necessary application before the Tribunal.

In the result, the Civil Miscellaneous Appeal is disposed of with the above modification and enhancement. No costs. The connected miscellaneous petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
03-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssk

To

1. Motor Accidents Claims Tribunal
(Special District Court), Dharmapuri.
2. National Insurance Company Ltd.,
Division Office, 81-D, North Car Street,
Tiruchengode-637 211



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

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