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CMA No. 3873 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 3873 of 2025

and

**CMP Nos.32592/2025 and
3235/2026 in CMA SR.No.18936/2026**

Reliance General Insurance Company Ltd.,
4th Floor, Chintamani Avenue,
Off Western Express Highway,
Near Virwani Industrial Estate,
Mumbai-400 063.

..Appellant(s)

Vs

1. Alamelu
2. Ramasamy
3. Minor Arulkumar
S/o. Ramasamy
Minor Rep. by next friend Father Ramasamy
4. P. Lakshmanan

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, to set aside the order dated 07-02-2023 passed in MCOP.No.7044/2016 on the file of the MACT III Court of Small Causes, Chennai.

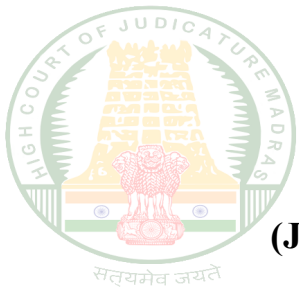
For Appellant(s):

Mr.P.Suresh Srinivasan

For Respondent(s):

M/S.M.Pravalika

For R1 To R2



JUDGMENT

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

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This appeal has been filed by the Insurance Company challenging the Award dated 07.02.2023 passed by the MACT III Court of Small Causes, Chennai in MCOP No. 7044 of 2016.

2.On 11.07.2016 at about 8 p.m. when one Rajini/deceased was proceeding in a two wheeler bearing Registration No. TN37 T 8501 on Erode – Coimbatore Main Road, opposite to Palangarai Narikuravar colony, near Magaraja Mill, at that time, the driver of Tawara Maxi Cab bearing registration No.TN34 W 7831 stopped in the middle of the road without any indication to stop the vehicle or without taking any preventive measures to stop the vehicle. Therefore, the deceased was not able to control his vehicle and dashed the Car backside causing accident and consequently, death of the victim.

3.The claim petition was contested by the Insurance Company. However, the Tribunal held that the driver as well the deceased were negligent and fixed the negligence on both and awarded a sum of Rs.26,45,160/- as compensation after deducting 30% towards contributory negligence.

4.Aggrieved by the quantum of compensation awarded by the Tribunal, this appeal has been filed by the Insurance Company.



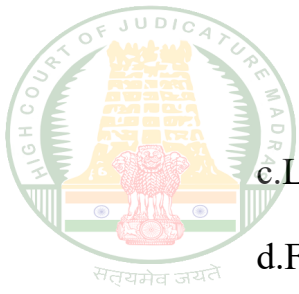
5. Heard the learned counsel for the appellant and the learned counsel for the respondents.

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6. The Tribunal had determined 30% contributory negligence, however, we are inclined to interfere with the same since the Car was parked on the left side of the road from Erode – Coimbatore Main Road and the parking of the same has consequently resulted in the accident. The accident had occurred at about 8 p.m. and at that time, visibility would be low. There would be no possibility of the two wheeler trying to overtake the Car. Moreover, the Car driver had not been examined as a witness to give reasons as to why he had parked the Car there. The rough sketch shows that there is no road or side road at the place where the Car was parked. There is no evidence on record that the Car was parked with due care and caution including with warning lights.

7. The minor brother could not be a dependent on the deceased since the deceased himself was a student. The minor brother shall be a dependent of the father and not of the deceased brother. Therefore, the amount awarded under the head Loss of Consortium is reduced to Rs.80,000/- (Rs.40,000 x 2). The amounts awarded under the head Loss of Estate and Funeral Expenses are confirmed. Hence, the modified compensation works out as follows:

- | | |
|------------------------------------|------------------|
| a. Loss of dependency ** | : Rs.27,21,600/- |
| b. Loss of consortium (40,000 x 2) | : Rs. 80,000/- |



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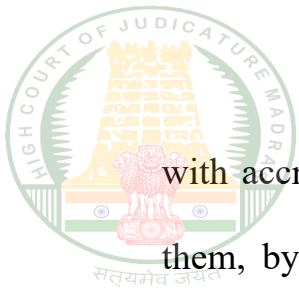
c.Loss of Estate	: Rs. 15,000/-
d.Funeral Expenses	: Rs. 15,000/-
Total Compensation	: Rs.28,31,600/-

** Monthly Income	: Rs. 18,000/-
Add: Future Prospects	
40% of Rs.18,000/-	: Rs. 7,200/-

	Rs. 25,200/-
Annual Income (Rs.25,200 x 12)	Rs. 3,02,400/-
Less: Personal expenses	: Rs. 1,51,200/-
[3,02,400*50%]	-----
	Rs. 1,51,200/-
Multiplier	x 18

Loss of dependency	: Rs.27,21,600/-

8.In the result, the Civil Miscellaneous Appeal stands disposed of. The compensation of **Rs.26,45,200/-** awarded by the Tribunal is hereby enhanced to **Rs.28,31,600/-**. The appellant Insurance Company is directed to deposit the enhanced compensation of **Rs.28,31,600/-** (Rupees Twenty Eight Lakhs Thirty One Thousand Six Hundred 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, the claimants are permitted to withdraw 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. Additional Court fees, if any, to be paid by the claimants on the enhanced compensation. No costs. Connected CMP No.32592 of 2025 is closed.

9.The learned counsel for the petitioner in CMP No.3235 of 2026 in CMA SR.No.18936 of 2026 made the following endorsement:

May be withdrawn the CMP No.3235 of 2026 and CMA SR.No.18936 of 2026.

10.In view of the same, CMP No.3235 of 2026 is dismissed as withdrawn. Consequently, CMA SR.No.18936 of 2026 stands rejected.

(C.V.K.,J.) (K.R.S.,J.)
17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SLI

To
The MACT III Court of Small Causes,
Chennai.



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

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