IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-04-2026**

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**CMA No.734 of 2022**

Royal Sundaram Alliance Insurance Co. Ltd.,
by its Branch Manager.

..Appellant(s)

Vs

1. Sridevi
2. Nithya
3. M. Ramaraj
4. R. Ramasamy

..Respondent(s)

Appeal against the Judgment and Decree dated 26-04-2021 passed in M.C.O.P.No.905 of 2019 on the file of the Motor Accident Claims Tribunal, (Special District Court for Motor Accident Claims Cases), Krishnagiri.

For Appellant(s): Mr.G.Vasudevan

For Respondent(s): Mr.S.P.Yuvaraj
for R1 and R2

**JUDGMENT**

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

This appeal had been filed questioning the order, dated 26.04.2021, passed in M.C.O.P.No.905 of 2019 by the Motor Accident Claims Tribunal (Special District Court for Motor Accident Claims Cases), Krishnagiri.

2. In the Claim Petition, it had been stated by the petitioners/claimants, who are respondents 1 and 2 herein, that the deceased - Pradeep was returning to Bargur from Krishnagiri on 16.10.2018 on his two wheeler – Bajaj Pulsar, bearing Registration No.TN-24-AL-2045 at about 23.00 hours. At that time, the vehicle of the first respondent - lorry bearing Registration No.TN-88-C-8485 driven by its driver suddenly stopped and the deceased dashed the motorcycle against the said lorry, due to which the deceased sustained grievous injuries and died on the spot. It was stated that the deceased was aged 25 years at the time of the accident and earning Rs.25,000/- per month. It was further stated that the deceased was the sole bread winner of the family. Due to the said accident, the Claim Petition was filed by the mother and the sister of the deceased, claiming a compensation of Rs.40.00 lakhs.

3. Respondents 1 and 2 in the Claim Petition, who were driver and owner of the lorry, Respondents 3 and 4 herein, remained ex parte.

4. The third respondent-Insurance Company, appellant herein, had filed a counter affidavit, denying the averments made in the petition and contending that the deceased was riding his vehicle without wearing helmet in a rash and negligent manner at a high speed and hit behind the lorry going ahead, due to which he fell down from his vehicle and caused the accident on his own. It was contended that the insurer was not liable to pay any compensation.

5. During the course of trial, on behalf of the petitioners/claimants, the first petitioner/claimant examined herself as P.W.1 and two other witnesses, namely, an eye-witness and Inspector of Income Tax Department, Krishnagiri, were examined as P.Ws.2 and 3. 20 documents, namely, Exs.P-1 to P-20 were marked on behalf of the petitioners. On the side of the respondents, the driver of the lorry, namely, Ramaraj was examined as R.W.1 and one document – Ex.R-1, driving licence of lorry driver, was marked.

6. The Tribunal, based on the evidence, both oral and documentary, allowed the petition in part, awarding a sum of Rs.36,24,084/- to the petitioners/claimants as compensation, as against the claim of Rs.40.00 lakhs.

7. In this appeal, it has been primarily contended by the appellant – insurer that the deceased was driving his motorcycle at a high speed and he was also responsible for the accident and, therefore, the company is not liable for fastening liability. The bottom line of the contention is that the deceased should have maintained proper distance between the vehicles and, therefore, at least, contributory negligence ought to have been fixed on the deceased.

8. The respondents-claimants, on the other hand, would contend that the order of the trial Court was well reasoned and, therefore, it does not require any interference by this Court.

9. We have heard the learned counsel for the parties and also gone through the records, coupled with the order impugned herein.

10. The first claimant examined herself as P.W.1 and narrated the events, which led to the accident. She also deposed in line with the contents of the petition. It was her strong case that the accident occurred due to rash and negligent driving of the lorry, by its driver. In addition to examining herself, the claimant also examined an eye-witness as P.W.2, who, in his evidence, fully fortified the case of the claimants as to the occurrence of the accident in the manner stated by the claimants. Ex.P-5, MVI Report, also established the manner of the accident and the damages caused to the two wheeler of the deceased.

11. On the other hand, to establish the case of the insurer, except the driver of the lorry, no officials or independent witnesses were examined. It was also admitted by the insurer that no charge sheet in the case exonerating the company or the MVI Report to prove the damages caused to the lorry was filed. In the absence of any positive evidence on the side of the insurer- appellant, we do not accede to the contention of the appellant as to fastening of contributory negligence on the deceased.

12. In motor accident claims, the Courts should be just and liberal in granting relief to the victims, if not, the very survival of the dependants of the victims shall be at stake, that too when the victims are the sole bread winners. However, by so saying, it is not proper for Courts to award high amount as compensation, disproportionate to the income of the injured or the deceased.

13. Considering the above view, if we look at the present case, the Tribunal had taken the monthly income of the deceased as Rs.23,373/-. The basis for taking the said amount was Ex.P-20, the Income Tax Return of the deceased for the Assessment Year 2017-2018, wherein the annual income of the deceased was shown as Rs.2,85,652/- and an amount of Rs.5,180/- was deducted towards income tax. Therefore, the said income cannot be disputed. After deducting one-half towards personal expenses, the Tribunal fixed the income at Rs.11,686.50/- per month. In view of the fact that the deceased was aged 25 years at the time of accident, 40% of future prospects at Rs.4,675/- per month was awarded and multiplier of '18' was adopted by the Tribunal. Thus, the loss of income of the deceased to the family was arrived at Rs.11,686.50 + 4,675 x 12 x 18, totalling to Rs.35,34,084/-. In addition to the said amount, the Tribunal also awarded a sum of Rs.15,000/- under the head 'Loss of Estate'; Rs.15,000/- under the head 'Funeral Expenses' and Rs.40,000/- + 20,000/- under the head 'Loss of Consortium' for mother and sister of the deceased respectively, which amounts cannot be either curtailed or ruled out. Altogether, the Tribunal awarded a sum of Rs.36,24,084/- as compensation to the family of

the deceased, as stated above. The Tribunal had elaborately dealt with the points with the material available on record and arrived at a just conclusion to award the amount. The finding of the Tribunal was well considered and well reasoned. Hence, we do not find any adversity or illegality in the order passed by the Tribunal.

14. Civil Miscellaneous Appeal is, accordingly, dismissed. No costs. Consequently, the connected C.M.P.No.5346 of 2022 is closed.

**(C.V.K.,J.) (K.R.S.,J.)**
**08-04-2026**

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

DIXIT

To

Motor Accidents Claims Tribunal,
(Special District Court for Motor Accident Claims Cases),
Krishnagiri.

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

**DIXIT**

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