IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 3039 of 2025
and CM.P.No.25550 of 2025 & 8977 of 2026

The Branch Manager
Reliance General Insurance Co Ltd. Rals Tower
Plot No. 2054, 2nd Avenue, 2nd Floor, Next to
Senthil Nursing Home, Anna Nagar, Chennai

..Appellant(s)

Vs

1. Vani
2. Ashwanthraj
3. Ashwinraj
4. Ashwatha
5. Rasathi
6. Meena

..Respondent(s)

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgement and decree dated 21.03.2024 made in MCOP No.79 of 2020 on the file of the Motor Accident Claims Tribunal, learned District and Sessions Judge, Mayiladuthurai.

For Appellant(s): Mrs.R.Sree Vidhya

For Respondent(s): Mr.S.Vasavi for R1 to R5
No representation for R6

JUDGMENT

(Judgment of the Court was delivered by K.Rajasekar J.)

This Civil Miscellaneous Appeal has been filed by the appellant-Insurance Company against the judgment and decree dated 21.03.2024, made in M.C.O.P. No.79 of 2020, on the file of the District and Sessions Court, Motor Accident Claims Tribunal, Mayiladuthurai.

2.By consent of the learned counsel appearing for the appellant as well as the respondents 1 to 5, the appeal is taken up for final disposal at the admission stage itself.

3.The appellant is the second respondent in M.C.O.P.No.79 of 2020, on the file of the District and Sessions Court, Motor Accident Claims Tribunal, Mayiladuthurai. The respondents 1 to 5/claimants 1 to 5 filed the said claim petition, claiming a sum of Rs.40,00,000/- as compensation for the death of one Rangarajan, who died in the accident that took place on 17.03.2020.

4.According to the respondents 1 to 5/claimants 1 to 5, on17.03.2020, at about 09.30 p.m., the deceased Rangarajan was proceeding on his motorcycle bearing Registration No.TN 51 P 4179, along Salem-Aathur Main Road, Ayothipattinam, near Saneeshwaran temple. At that time, a Tata Ace bearing

Registration No.TN 36 AZ 0927, coming from the opposite direction, was driven in a rash and negligent manner and collided with the motorcycle. Due to the impact, the deceased sustained grievous injuries and subsequently succumbed to the same. Hence, the respondents 1 to 5/claimants 1 to 5 filed the said claim petition, claiming compensation against the sixth respondent as owner and the appellant as insurer of the said Tata Ace.

5.The sixth respondent, as the owner of the said Tata Ace, remined exparte before the Tribunal.

6.The appellant-Insurance Company, filed a counter statement and denied all the averments made by the respondents 1 to 5 /claimants 1 to 5 in the claim petition. According to the appellant, the accident occurred solely due to rash and negligent riding of the deceased and not on account of any negligence on the part of the driver of the Tata Ace. It is further contended that at the time of accident, the deceased was not wearing a helmet, sustained fatal head injuries and thereby, contributed to the accident, attracting the principles of contributory negligence. The owner and insurer of the motorcycle are necessary parties and that, in their absence, the claim petition is bad for non-joinder of necessary parties. The respondents 1 to 5 /claimants 1 to 5 have failed to produce a valid driving license of the deceased or insurance particulars of the motorcycle. In any event, the respondents 1 to 5/claimants 1 to 5 have to prove the age, avocation and income of the deceased, to claim compensation and prayed for dismissal of the claim petition.

7.Before the Tribunal, the first respondent/claimant examined herself as P.W.1, examined eye-witness as P.W.2 and marked 7 documents as Exs.P1 to P7. The appellant-Insurance Company did not let any oral evidence and marked rough sketch as Ex.R1.

8.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by the driver of the said Tata Ace belonging to the sixth respondent and directed the appellant as insurer of the said vehicle to pay a sum of Rs.21,43,000/- as compensation to the respondents 1 to 5/claimants 1 to 5.

9.Challenging the award granted by the Tribunal dated 21.03.2024, made in M.C.O.P.No.79 of 2020, the appellant-Insurance Company has come out with the present appeal.

10.The learned counsel for the appellant-Insurance Company contended that the Tribunal erred in law by failing to appreciate the plea of contributory negligence raised by the appellant. She further submitted that at the time of accident, the deceased was not wearing a protective headgear/helmet, which constitutes a clear violation of statutory safety norms and materially contributed to the severity of the injuries sustained. In such circumstances, the Tribunal ought to have fixed an appropriate percentage of contributory negligence on the part of the deceased. She further contended that the quantum of compensation awarded under various heads is excessive and prayed for modification of the same.

11.The learned counsel for the respondents 1 to 5/claimants 1 to 5 submitted that the Tribunal has duly considered all the aspects of the case and rightly rejected the contentions of the appellant-Insurance Company based on the evidence on record. It was further contended that the appellant-Insurance Company has not examined any eye-witness to the occurrence and has merely relied upon a rough sketch to contend contributory negligence, which is not substantiated by any oral evidence. Therefore, he prayed for dismissal of the appeal and for confirmation of the award passed by the Tribunal.

12. Heard the learned counsel appearing on either side and perused the materials available on record.

13. Though the appellant-Insurance Company has contended that there was contributory negligence on the part of the deceased on account of negligent driving and non-wearing of a helmet, no acceptable evidence has been adduced

on its side. On the other hand, the respondents 1 to 5 /claimants 1 to 5 have examined an eye-witness to the occurrence and no contra evidence has been adduced by the appellant. In such circumstances, the finding of the Tribunal fixing negligence on the driver of the Tata Ace vehicle is found to be proper and the same is hereby confirmed. With regard to the contention that the deceased was not wearing a helmet, no specific issue has been framed nor has any evidence been adduced in this regard. Though such a plea has been raised, the same has been denied by the witness. In the absence of any material evidence on record, the said contention cannot be accepted. Accordingly, this Court is inclined to confirm the liability fixed on the driver of the Tata Ace vehicle and rejects the contention of the appellant-Insurance Company that the deceased contributed to the accident.

14.Insofar as the quantum of compensation is concerned, the respondents 1 to 5 / claimants 1 to 5 contended that the deceased was earning a sum of Rs.18,000/- per month. However, the respondents 1 to 5/claimants 1 to 5 have not produced any cogent documentary evidence to substantiate the income of the deceased. The accident occurred in the year 2020. In the absence of any reliable material with regard to the income of the deceased, the Tribunal has fixed the monthly income at Rs.12,000/- which appears to be reasonable in the facts and circumstances of the case. After adding 25% towards future prospects, the Tribunal arrived at a revised monthly income of Rs.15,000/-. In the postmortem certificate, the age of the deceased was mentioned as 44 years at the time of accident. The Tribunal placing reliance on the judgment of the Hon'ble Apex Court in ***Sarla Verma and Others Vs. Delhi Transport Corporation and Another [2006 (2) Tnmac 1 (SC)]*** rightly adopted the multiplier of 14. There were five dependents on the deceased. After deducting one-fourth (1/4th) towards personal and living expenses of the deceased, the Tribunal correctly computed the loss of income/dependency at Rs.18,90,000/- [Rs.15,000/- X 12 X 14 X ¾]. The compensation awarded under other conventional heads is just, reasonable and does not warrant interference by this Court. Accordingly, we find no infirmity in the award passed by the Tribunal and the same is hereby confirmed.

15.In the result, this Civil Miscellaneous Appeal is dismissed and the amount awarded by the Tribunal at Rs.21,43,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit, is hereby confirmed. The appellant/Insurance Company is directed to deposit the amount 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. On such deposit, the respondents 1 to 5 are permitted to withdraw their respective share of the award amount, as per the apportionment fixed by the Tribunal along with proportionate interest and costs, less the amount if any, already withdrawn. Consequently, connected Miscellaneous Petitions are closed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
22-04-2026

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

VKR

To

1.The District and Sessions Judge,
Motor Accident Claims Tribunal,
Mayiladuthurai.

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

VKR

CMA No. 3039 of 2025

22-04-2026