



C.M.A.No.2824 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.2824 of 2025

&

C.M.P.Nos.23969 of 2025

The Manager
Reliance General Insurance Co. Ltd.,
TP Cell, No.6, Reliance House
Haddows Road, Nungambakkam
Chennai - 600 006

... Appellant

vs

1. M.Dhaulath Nisha

2. Minor Omekalam

represented by his natural guardian and next friend
mohter M.Dhaulath Nisha

3. A.Mokthiyarunisha

4. P.R.S.Saravanaraj

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 22.04.2025 made in M.C.O.P.No.8 of 2019 on the file of Motor Accident Claims Tribunal, Additional District Court (FTC), Kancheepuram.



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For Appellants : Ms.Thamizharasi

For Respondents : Mr.M.Sivakumar
for R1 to R3

JUDGMENT

[Judgment of the Court was delivered by **K.RAJASEKAR, J**]

This appeal had been filed by the appellant Insurance Company against the judgment and decree of the Motor Accident Claims Tribunal, Additional District Court (FTC), Kancheepuram dated 22.04.2025 in M.C.O.P.No.8 of 2019, challenging the quantum of compensation.

2. The claimants are the wife, son and parents of the deceased A.Ziyaulla Sherif. Pending claim petition, the father of the deceased died. It is the case of the claimants that on 04.12.2018 at about 04.30pm, when the deceased Ziyaulla Sherif was walking on the extreme left side of the road at Pulliyambakkam, a lorry bearing Registration No. TN 85 7677 belonging to the first respondent driven by its driver came in a rash and negligent manner and hit behind the deceased due to which the deceased was thrown away and died on the spot.



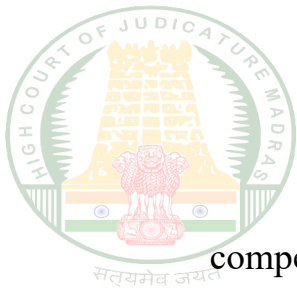
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3. The first respondent, who is the owner of the offending vehicle, remained *ex parte*. Resisting the claim, the second respondent-Insurance Company had filed a detailed counter *inter alia* stating that first respondent's lorry is not insured with the second respondent at the relevant point of time and the driver was not holding valid driving licence at the time of accident. It is the further case of the second respondent that the deceased crossed the road in a careless manner and hence, he is responsible for the accident, hence, the second respondent prayed for dismissal of the claim petition.

4. To prove their claim, before the Tribunal, the claimants examined 4 witnesses as PWs 1 to 4 and marked Exs.P1 to P31. On the side of Insurance Company, none were examined and no documents were marked.

5. On appreciation of materials, the Tribunal, found that the accident had occurred due to the rash and negligent driving of the driver of the first respondent's lorry. The Tribunal further held that in the absence of evidence to prove the breach of policy conditions, the 1st and 2nd respondents are jointly and severally liable to pay compensation to the claimants. The



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compensation awarded by the Tribunal is as follows:

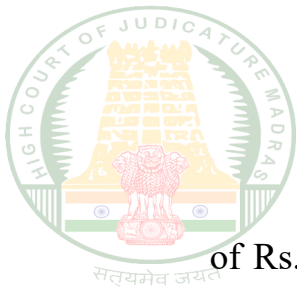
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Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Income	79,47,600.00
2.	Loss of Consortium	40,000.00
3.	Funeral Expenses	15,000.00
4.	Loss of Estate	15,000.00
5.	Transporting charges	10,000.00
	Total	80,27,600/-

The said sum was directed to be paid together with interest at 7.5% p.a. from the date of claim petition till the date of realization. Challenging the quantum of compensation awarded by the Tribunal, the present appeal had been filed.

6. The learned counsel for the appellant-Insurance Company submitted that while determining the compensation, the Tribunal erred in making deduction towards income tax and hence, the same requires modification.

7. Per contra, the learned counsel appearing for the claimants/respondents submitted that the Tribunal has awarded only a sum



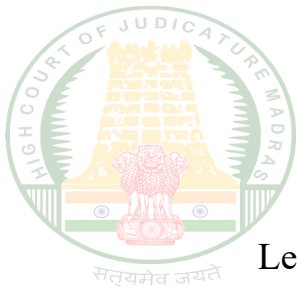
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of Rs.40,000/- towards loss of consortium for all the three dependents and the same requires enhancement.

8. On a perusal of the award, this Court finds that there is some calculation error with regard to deduction towards income tax. We also find that only a sum of Rs.40,000/- has been awarded towards loss of consortium. As there are three dependents, a sum of Rs.40,000/- each is awarded towards loss of consortium. Accordingly, the compensation payable towards loss of dependency is calculated as follows:

Monthly income	: Rs. 38,000/-
Add: Future Prospects	: Rs. 19,000/-
50% of Rs.38,000/-	

	Rs. 57,000/-
Annual Income	
(Rs.57,000/- x 12)	: Rs. 6,84,000/-
Upto Rs.2,50,000 no tax	
Between Rs.2,50,000/- to Rs.5,00,000/- 5% tax	: Rs. 12,500/-
Between Rs.5,00,000/- to Rs.10,00,000/- 20% tax	: Rs. 36,800/-
Tax payable	: Rs. 49,300/-
Net annual income after tax deductions	
(Rs.6,84,000/- (-) 49,300)	: Rs. 6,34,700/-



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Less: Personal expenses

1/4 of Rs.6,34,700/- (-) :Rs.1,58,675/-

Rs. 4,76,025/-

Multiplier : x 16

Rs.76,16,400 /-

Accordingly, the modified compensation payable would be

Sl.No.	Heads of Compensation	Amount in Rs.
1	Loss of Dependency	76,16,400.00
2	Funeral Expenses	15,000.00
3	Transportation Charges	10000.00
4	Loss of Estate	15,000.00
5	Loss of Consortium	1,20,000.00
	(3*40,000)	
	Total	77,76,400.00

In the result, this appeal is partly allowed. The compensation of Rs.80,27,600/- awarded by the Tribunal is hereby reduced to Rs.77,76,400/- [Rupees Seventy Seven Lakhs Seventy Six Thousand Four Hundred only]. Appellant Insurance Company is directed to deposit the modified compensation amount of Rs.77,76,400/- [Rupees Seventy Seven Lakhs



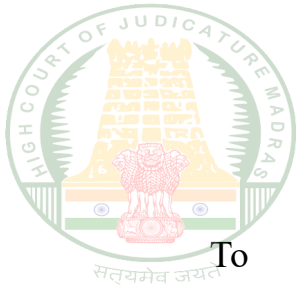
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Seventy Six Thousand Four Hundred only], less the amount already

deposited, together with proportionate interest and cost, within a period of six weeks from the date of receipt a copy of this judgment. On such deposit, Claimants 1 and 2 are entitled to a sum of Rs.30,00,000/- each and the third claimant is entitled to a sum of Rs.17,76,400/-. Claimants 1 and 3 are permitted to withdraw their respective shares along with accrued/proportionate interest and costs, less the amount, if any already withdrawn by them, by filing necessary application before the Tribunal. The shares of 2nd claimant/minor son of deceased shall be deposited in a fixed deposit in any nationalised bank till he attains majority. First respondent/mother of the minor is entitled to withdraw interest thereon once in three months towards taking care of the minor. No costs. Consequently, the connected miscellaneous petition is closed.

[C.V.K., J] [K.R.S., J]
17.06.2026

Index: Yes/No
Neutral citation: Yes/No
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To

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1. The Motor Accident Claims Tribunal
Additional District Court (FTC)
Kancheepuram
2. The Section Officer
VR Section
Madras High Court



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and

K.RAJASEKAR, J

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