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CMA No. 2412 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. 2412 of 2024

Royal Sundaram General Insurance Company
Limited
(Formerly Known as Royal Sundaram Alliance
Insurance Company Limited)
Policy No. MOP 4008381

..Appellant(s)

Vs

1. S.Jayarani
2. D.Priyadharsan
3. R.Rakshan

R3 DECLARED AS MAJOR AND
GUARDIAN R1 DISCHARGED FROM
GUARDIANSHIP VIDE ORDER OF COURT
DATED 3/6/2026 MADE IN CMP.25216/2025
IN CMA.2412/2024.

4. M.Rani
5. B.Arun Prashanth
6. P.N.Baskar

..Respondent(s)

PRAYER : Appeal against the Judgment and Decree made in MCOP No. 1778 of 2018, dated 17.04.2024, on the file of Motor Accident Claims Tribunal, III Additional District Judge, Coimbatore.



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For Appellant(s):

Mr.M.B.Raghavan
for M/s.C.Harini & M.V.Seshachari

For Respondent(s):

Mr.P.V.Ramachandran for R1 To R4
Not ready in notice regarding R5 & R6

JUDGMENT

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

Aggrieved over the quantum of compensation awarded by Motor Accident Claims Tribunal - III Additional District Judge, Coimbatore, in M.C.O.P.No.1778 of 2018, dated 17.04.2024, insurer has filed this appeal.

2. Respondents 1 to 4 / petitioners - claimants, who are wife, sons and mother of the victim – M.Dass, filed the claim petition before the Tribunal, stating that on 13.10.2017 while the victim was standing in front of Subbu Mess near Vinayagar Koil on Dr.Nanjappa Road, Coimbatore, the car bearing Registration No.TN 38 BW0731, driven by the first respondent, came in reverse gear suddenly in a rash and negligent manner and hit the victim, due to which the victim fell down on the road and was seriously injured. It was further stated that the injured was taken to CMC Hospital, where he succumbed to injuries at about 02.15 a.m. on 14.10.2017. It was also stated that the offending car was owned by the father of the first respondent, namely, the second respondent and that the car was insured with the third respondent. It was further stated that an F.I.R. was registered in Crime No.670 of 2017 on the file of TIW (East)



Coimbatore City Police Station on 14.10.2017 at about 05.30 a.m., for the offences under Sections 279, 337, 304 (A) of the Indian Penal Code and Sections 134 (a), 134 (b) and 187 of the Motor Vehicles Act with regard to the accident. It was also claimed that the deceased was a businessman and earning Rs.60,000/- per month. It was further contended that due to the sudden demise of the deceased, the family was left in the lurch. Accordingly, they prayed for a compensation of Rs.1,00,00,000/- for the death of the deceased.

3. Appellant – insurer had filed a counter affidavit, putting the petitioners to strict proof of the alleged accident. It was also stated that the alleged accident had occurred not solely due to rash and negligence of the first respondent, but also due to the contributory negligence of the deceased. The monthly income of the deceased was also put to strict proof. Accordingly, the petition was sought to be dismissed.

4. During trial, on the side of petitioners, P.Ws.1 to 3 were examined and Exs.P-1 to P-25 were marked. On the side of respondents, no witness was examined and no document was also marked.

5. The Tribunal, considering the evidence, both oral and documentary, held that the accident had occurred only due to rash and negligent driving of the offending vehicle by the first respondent. It was also held that as per Ex.P-2, MVI Report, at the time of accident, the offending car was insured with the third respondent-insurer and no policy violation was also proved. Hence, the Tribunal fixed the liability on the third respondent-insurer to pay compensation



to the petitioners and awarded a compensation of Rs.41,28,000/-. Hence, this appeal by the insurer.

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6. We have heard the learned counsel for the parties and also gone through the records.

7. Admittedly, liability is not disputed in this appeal. The only dispute is, the quantum of compensation awarded by the Tribunal. With regard to the income of the deceased, the petitioners claimed that the deceased was doing business and earning Rs.60,000/- per month. However, no documents were produced to establish the said claim. Considering the Income Tax statement for the Assessment Year 2012-2013 and that the deceased would have been a money lender, the Tribunal fixed the monthly income of the deceased at Rs.30,000/- per month, which, in the considered opinion of this Court, was higher. We, therefore, fix the monthly income of the deceased at Rs.20,000/-. Since the dependants were 4, one-fourth was to be deducted towards 'Personal Expenses'. The deceased was aged 47 years at the time of accident. Hence, we add Future Prospects at 25% and adopt multiplier '13'. Then, the Loss of Income/Dependency for the family of the deceased would come to Rs.20,000/- (monthly income) minus Rs.5,000/- ($\frac{1}{4}$ personal expenses) plus Rs.3,750/- (25% future prospects) $\times 12 \times 13 =$ Rs.29,25,000/-, as against Rs.39,00,000/- awarded by the Tribunal. The Tribunal also awarded Rs.1,92,000/- under the head 'Loss of Consortium' for wife, sons and mother, calculating at 10% enhancement for every three years; Rs.18,000/- towards 'Funeral Expenses';



and Rs.18,000/- towards 'Loss of Estate', calculating at 10% enhancement for every three years, which we confirm.

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8. Accordingly, the total award amount comes to Rs.29,25,000/- + Rs.1,92,000/- + Rs.18,000/- + Rs.18,000/- = Rs.31,53,000/-, with a reduction of Rs.9,75,000/- as against Rs.41,28,000/- awarded by the Tribunal.

9. Of the amount of Rs.31,53,000/-, the first petitioner – wife is entitled to Rs.15,53,000/-; the petitioners 2 and 3 are entitled to Rs.6,00,000/- each; and the fourth petitioner is entitled to Rs.4,00,000/-. The petitioners are permitted to withdraw their respective shares along with interest at 7.5% per annum from the date of petition till the date of realization. The appellant-insurer is permitted to withdraw the balance amount.

10. Civil Miscellaneous Appeal is allowed accordingly. No costs. Consequently, the connected C.M.P.Nos.19146 of 2024 and 25212 of 2025 are closed.

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

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

DIXIT

To

1.Motor Accident Claims Tribunal - III Additional District Judge, Coimbatore.
2.V.R.Section, High Court, Madras.



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

DIXIT

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