



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	27.01.2026
<i>Pronounced on</i>	02.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A. No.1758 of 2024
and C.M.P.No.13883 of 2024

Reliance General Insurance Company Ltd.,
No.6, Reliance house, 4th Floor,
Haddows Road, Nungambakkam,
Chennai- 600 034.

..Appellant

Vs

Minor Evangeline Jessica Edwin,
(Minor rep by her grandfather Mr.Barnes D.Doss),
Christian aged 15 years,
Residing at No.E303, SP Homes Shyams yes gee yes,
156, Rajankuppam road,
Ayanambakkam, Maduravoyal,
Ambattur, Tiruvallur-600 095.

..Respondent

Prayer: Civil Miscellaneous Appeal, filed under Section 173 of Motor Vehicles Act, against the award dated 25.04.2023 passed in M.C.O.P.No.111 of 2022 on the file of the Motor Accident Claims Tribunal, (No.1 Special District Court), Thiruvallur.

For Appellant : Mr. P.Suresh Srinivasan

For Respondents : Mr.M.Malar



JUDGMENT

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This Civil Miscellaneous Appeal is preferred against the Order dated 25.04.2023 passed in M.C.O.P.No.111 of 2022 on the file of the Motor Accident Claims Tribunal, (No.1 Special District Court), Thiruvallur.

2. The facts of the case is that, on 06.12.2020, at about 6.30 p.m the deceased Evelyn Keziah Edwin was travelling as a pillion rider in the scooter bearing Registration No.PY-01-CJ-8770 along with her mother who is the rider of the two wheeler on the Nolambur service road opposite to K.G.Signature Apartments. The scooter ridden by the rider fell down on left side of the road in the rain water lake. Due to the said accident, the deceased died on the spot.

3.According to the claimant, the accident occurred due to the rash and negligent riding of the rider of the scooter. The claimant, who is the sister of the deceased, filed a claim petition for a sum of Rs.50,00,000/- as compensation for the death of the deceased Evelyn Keziah Edwin.

4. The claim of the claimant was opposed by the appellant/Insurance Company by filing a detailed counter stating that the rider of the scooter was driving the vehicle in a slow and cautious manner by observing all traffic rules and regulations. Since the deceased was a pillion rider and was not seated properly, the alleged accident took place. Hence, the appellant/Insurance



Company is not liable to pay any compensation to the petitioner.

5. Before the Tribunal, on the side of the claimant two witnesses were examined and 14 documents were exhibited. On the side of the respondent, one Sangeetha was examined as R.W.1 and copy of the policy was marked as Ex.R1.

6. After analysing both oral and documentary evidence, it was held that the accident had occurred due to the negligent riding of the rider of the scooter and awarded a sum of Rs.23,45,000/- as compensation. Assailing the same, the appellant/Insurance Company has preferred the present appeal.

7.Mr.P.Suresh Srinivasan, learned counsel for the appellant would submit that the Tribunal erred in holding that the alleged accident was caused due to the rash and negligent riding of the rider of the scooter and erroneously awarded a huge sum of compensation of Rs.23,45,000/- which requires consideration by this Court. He would further submit that the income fixed by the Tribunal at the rate of Rs.15,000/- per month, is without any basis and that the Tribunal went wrong in adding 40% towards future prospects. He would further submit that the claimant being the sister of the deceased, is not entitled to maintain the claim application.

8.Per contra, Ms.M.Malar, learned counsel appearing for the respondent would submit that the negligence has been proved by the claimant by examining two witnesses and it is further submitted that the deceased was a student at M.G.R Engineering College pursuing B.E. Architecture, whereas the income



fixed by the Tribunal at Rs.15,000/- is very low, and sought for enhancement of income of the deceased. Learned counsel also relied upon the judgement of this Court in ***C.M.A.No.395 of 2018*** in the case of ***The Managing Director M/s.Tamil Nadu State Transport Corporation Limited Vs. Neela and Another*** in which the income of the deceased who was pursuing Mechanical Engineering course was fixed at the rate of Rs.20,000/- per month.

9. Heard on both sides and records perused.

10. With regard to the negligence, in my considered opinion, the Tribunal after analysing the oral and documentary evidence filed on the side of the claimant, has rightly concluded that the alleged accident took place due to the negligent driving of the rider of the scooter. As far as the quantum is concerned, it is not in dispute that the deceased was studying B.E. Architecture at the time of the accident and the same was substantiated with the college identity card marked as Ex.P.13. The Tribunal, based on the evidence of P.W.1 and Exhibits referred to supra, has fixed income of the deceased at Rs.15,000/- per month. Though, on the side of the respondent/claimant a sum of Rs.20,000/- had been claimed before this appeal, no appeal has been preferred by the claimant for the same. Moreover, in the referred case, this Court had confirmed the income fixed by the Tribunal and the same was not enhanced as per Order 41 Rule 33 CPC.

11. It is not in dispute that the mother was the rider of the offending vehicle and the deceased was her daughter and the claimant is the sister of the



deceased and the Tribunal has rightly held that under the comprehensive policy, pillion rider is also covered. Moreover, Ex.R1 policy covers own damages, basic third party liability and also personal accident claims and therefore, the petitioner is entitled to maintain the claim petition. Therefore, no infirmity or perversity is found in such findings.

12. Considering the other aspects, the Tribunal has rightly awarded a sum of Rs.23,45,000/- which requires any interference by this Court.

13. In the result, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2026

Index : Yes
Speaking Order
Neutral citation : Yes
vsn

To

1.The Special District Judge,
Motor Accident Claims Tribunal,
Special District Court No.1, Thiruvallur.

2.The Section Officer,
V.R.Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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