IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-01-2026**

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**
**AND**
**THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**CMA No. 3861 of 2025 & CMP.No.32383 of 2025**

Reliance General Insurance Co. Ltd,
No.6, Reliance House, 4th Floor,
Haddows Road, Nungambakkam,
Chennai 006. Appellant(s)

Vs

1. Nanthini
2.C. Krishna Moorthy Respondent(s)

**PRAYER:**Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order passed by the Motor Accident Claims Tribunal, Special Sub Court No.1, Motor Accidents Claims Petition, Small Causes Court, Chennai made in M.C.O.P.No.573 of 2023 dated 09.01.2025.

For Appellant(s): Mr. Sai Srujan Tayi

**ORDER**
**(Order of the Court was made by N.Sathish Kumar J.)**

Challenging the award made in MACTOP.No.573 of 2023 on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai, the present appeal has been filed. The appellant herein is the insurer of the TATA Goods Carrier driver/second respondent and the first respondent is the claimant.

2. Brief facts in filing the appeal is as follows:-

2.a. The deceased was riding a vehicle bearing Reg.No.TN-18-BZ-5482 from Gummidipoondi to Kaveraipattai. While nearing Verkadu, at about 11.15 hours on 05.07.2022, offending vehicle, TATA Goods Carrier bearing Reg.No.TN-12-AL-0635 driven by its driver Venkat/second respondent by rash and negligent manner hit the deceased motorcycle and caused injury, as a result, the deceased succumbed to injuries. The first information report came to be registered in this regard in Crime No.108 of 2022 under Sections 297 & 304(A) of IPC. The deceased was driver by profession who was earning Rs.30,000/- at the time of death and hence, the claimant being the wife of the deceased has filed the petition claiming compensation.

2.b. It is the contention of the Insurance Company before the Tribunal that the driver of the offending vehicle did not have a valid and effective driving license and it is also stated that the compensation claimed by the claimant is excessive. Before the Tribunal, on the side of the claimant, PW1 and PW2 were examined and Exs.P1 to P15 were marked. On the side of the respondents, none was examined and no documents were marked.

2.c. Based on the material and evidences, the Trial Court awarded the compensation as follows:-

| Sl.No. | Heads | Calculation |
|---|---|---|
| 1 | Total loss of dependency | Rs.23,29,600/- |
| 2 | Loss of consortium | Rs.40,000/- |
| 3 | Loss of estate | Rs.15,000/- |
| 4 | Funeral expenses | Rs.15,000/- |
| 5 | Transport charges | Rs.5,000/- |
| Total compensation is fixed at | | Rs.24,04,600/- |

2.d. The Trial Court while fixing the compensation took the notional income at the rate of Rs.13,000/- and applied the multiplier as per the age of the petitioner and considering other aspects, awarded the compensation.

3. Challenging the same, the insurer of the second respondent vehicle has preferred the instant civil miscellaneous appeal.

4. The main contention urged before this Court in the appeal by the learned counsel for the appellant is that there is no evidence to show that the deceased was earning Rs.13,000/- at the relevant point of time, therefore, the tribunal fixing the notional income at the rate of Rs.13,000/- is not proper. Except the quantum, the appellant insurance company has not disputed the accident and also negligence as against the driver of the offending vehicle.

5. As the quantum itself is in question before this Court, we are inclined to dispose of this appeal in the admission stage itself.

6. Heard the learned counsel for the appellant and perused the materials placed on record.

7. The accident is not in dispute. The age of the deceased was 35 years at the relevant point of time, this is also clearly established and not denied by the appellant. It is clearly stated in the evidence of PW1 that the deceased was a driver by profession and though no salary certificate was filed, but the fact remains that even an acting driver will be earning more than Rs.15,000/- per month and this aspect cannot be disputed at this stage. The Trial Court has in fact fixed the notional income at the rate of Rs.13,000/- and added future prospects at 40% as per the law declared by the Hon'ble Apex Court in *National Insurance Co. Ltd. vs. Pranay Sethi* reported in *2017 (2) TNMAC 609* and adopted '16' multiplier considering the age of the deceased, who was aged 35 years at the time of death. Following the ratio of the Hon'ble Apex Court and based on the other conventional damages, the Tribunal awarded the compensation. In such view of the matter, quantum awarded by the Tribunal is reasonable and does not require interference.

8. In fine,this Civil Miscellaneous Appeal is dismissed and the judgment and decree dated 09.01.2025 made in M.C.O.P.No.573 of 2023 on the  Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims

Petitions) Small Causes Court, Chennai is confirmed. No costs. Consequently, connected miscellaneous petition stands closed.

**(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)**
**02-01-2026**

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

To

The Presiding Officer
Special Sub Court No.1
Motor Accidents Claims Petitions,
Small Causes Court, Chennai

**N.SATHISH KUMAR J.**
**AND**
**R.SAKTHIVEL J.**

dhk

**CMA No. 3861 of 2025**

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