IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA Nos.1360 of 2026 & 3511 of 2025

C.M.A.No.1360/2026 :

M/s.Reliance General Insurance Co.Ltd.,
Legal Department, Reliance House, 4th Floor,
No.6, Haddows Road, Nungambakkam,
Chennai 600 006.

..Appellant(s)

Vs

1. Veerammal
2. Banu
3. C. Babu
4. Uma Blue Metals

..Respondent(s)

PRAYER : To set aside the order made by Motor Accident Claims Tribunal, Chennai, II Special Judge, Small Causes Court, Chennai dated 30.7.2024 in MCOP.No.3784/2021.

C.M.A.No.3511/2025 :

1. Veerammal
2. Banu

3. C.Babu ... Appellant(s)

-vs-

1.M/s.Uma Blue Metals

2.M/s.Reliance General Insurance Co.Ltd.,
Legal Department, Reliance House, 4th Floor,
No.6, Haddows Road, Nungambakkam,
Chennai 600 006.

..Respondent(s)

PRAYER : To enhance the award against the order, dated 30.07.2024, made by Motor Accident Claims Tribunal, Chennai, II Special Judge, Small Causes Court, Chennai, in MCOP.No.3784/2021.

For Appellant(s) in C.M.A.No.1360/2026 & Respondent 2 in C.M.A.No.3511/2025 :	Ms.I.Siva Sankari for Mr.Sai Srujan Tayi
For Respondent(s) 1 to 3 in C.M.A.No.1360/2026 & Appellants in C.M.A.No.3511/2025:	Ms.N.Lavanya for M/s.M.Malar, F.Terry Chellaraja for R1 To R3
	Not ready in notice for R4 in C.M.A.No.1360/2026 & Respondent 1 in C.M.A.No.3511/2025

JUDGMENT

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

While C.M.A.No.1360 of 2026 has been filed by the insurance company, aggrieved over the award passed against it in M.C.O.P.No.3784 of 2021, dated 30.07.2024, on the file of Motor Accident Claims Tribunal, II Special Judge, Small Causes Court, Chennai, C.M.A.No.3511 of 2025 has been filed by the claimants to enhance the award against the same order.

2. The petitioners/claimants, who are wife, father and mother, filed claim petition before the Tribunal, stating that on 26.04.2021 at about 14.00 hours while the victim – Vijayakumar was travelling as a pillion rider on a motorcycle bearing Registration No.TN-19AK-3974, proceeding at left side of Vayalur – Thirukazhukundram Road, near Orakanniyamman Koil, Ayapakkam, Chengalpattu District, a lorry, bearing Registration No.TN-19-T-1473, driven by its driver, in a rash and negligent manner, came from behind and hit the rear side of the motorcycle, resulting in the victim falling on the road and the lorry right back wheel running over the victim's right leg. Due to the said accident, the victim sustained amputation of right leg. The victim was taken to Government Medical Hospital, Chengalpattu, and thereafter he was shifted to various hospitals for treatment and finally he died on 03.07.2021 at Rajiv Gandhi Government General Hospital, Chennai. It was further stated that the accident occurred only due to rash and negligent driving of the lorry by its driver. Therefore, they claimed a compensation of Rs.48.00 lakhs for the death of the deceased.

3. The insurance company filed a counter affidavit, stating that at the time of accident, the driver of the lorry was not holding a valid driving licence and the first respondent, who was the owner of the offending vehicle, permitted the driver to drive the vehicle in flagrant violation of policy terms and conditions. It

was further stated that the accident occurred only due to rash and negligent riding of the motorcycle, on which the deceased was riding as a pillion. It was also stated that the rider of the motorcycle was not holding a valid driving licence at the time of accident. Hence, it was prayed that the insurance company was not liable to pay any compensation to the claimants.

4. During trial, on the side of claimants, P.Ws.1 and 2 were examined and Exs.P-1 to P-14 were marked. On the side of respondents, no witness was examined and no documents were also marked.

5. The Tribunal, based on the evidence available on record, accepted the case of the claimants and awarded a compensation of Rs.28,50,000/- for the death of the deceased. Aggrieved over the said quantum of compensation, both the insurance company and the claimants have filed these appeals, as stated above. While the insurance company contends that the said quantum was on higher side, according to the claimants, the said compensation was lower.

6. In the given situation, the only point that arises for consideration in these appeals is, whether the quantum of compensation awarded by the Tribunal is excessive, inadequate or appropriate ?

7. To decide the above point, if we see the award, the Tribunal fixed the notional income of the deceased at Rs.12,000/- per month. However, in our view, the said amount was on lower side and we feel it appropriate to fix the notional income at Rs.16,000/- per month. If we add Future Prospects at 40% i.e., Rs.6,400/-, the amount would come to Rs.22,400/-. One-third has to be

deducted towards 'personal expenses'. Then, the monthly income of the deceased would come to Rs.14,934/-. The deceased was aged 37 years at the time of accident. Therefore, multiplier '15' was to be adopted. Accordingly, Loss of Dependency for the family of the deceased would be Rs.14,934/- x 12 x 15 = Rs.26,88,120/-, which is rounded off to Rs.26,88,000/-.

8. The Tribunal also awarded a sum of Rs.40,000/- towards Loss of Consortium to first claimant and Rs.40,000/- each (Rs.80,000/-) towards Filial Consortium to second and third claimants; Rs.15,000/- towards Loss of Estate; Rs.15,000/- towards Funeral Expenses; and Rs.6,83,862/- towards Medical Expenses, which are hereby confirmed.

9. Learned counsel for the claimants contended that after the accident, the deceased was admitted to two separate hospitals and his right leg was amputated above knee and thereafter he died. It is, therefore, contended that as for sustenance of injuries, separate compensation must be granted towards 'Pain and Suffering'.

10. It is settled law that once the injured person dies, the compensation payable is only for the loss of income and not for pain and suffering.

11. Accordingly, the total compensation would come to Rs.26,88,000/- + Rs.40,000/- + Rs.80,000/- + Rs.15,000/- + Rs.15,000/- + Rs.6,83,862/- = Rs.35,21,862, which is rounded off to Rs.35,22,000/-, as against Rs.28,50,000/- awarded by the Tribunal, with an enhancement of Rs.6,72,000/-.

12. Time for deposit of enhanced amount is four weeks. Of the enhanced amount of Rs.6,72,000/-, the first claimant is entitled to Rs.3,72,000/- and the claimants 2 and 3 are entitled to Rs.1,50,000/- each, which is, accordingly, permitted to be withdrawn.

13. In the result, C.M.A.No.1360 of 2026 filed by the insurance company is dismissed and C.M.A.No.3511 of 2025 filed by the claimants is allowed in part. No costs. Consequently, the connected C.M.P.Nos.12498 of 2026 is closed.

(C.V.K.,J.) (K.R.S.,J.)
11-06-2026

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

To
1. Motor Accident Claims Tribunal,
II Special Judge, Small Causes Court,
Chennai.
2.V.R.Section,
High Court,
Madras.

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

DIXIT

CMA Nos.1360/2026
& 3511/2025

11-06-2026