



WEB COPY

CMA No. 632 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 632 of 2026

and

CMP No.7122 of 2026

Reliance General Insurance Co.Ltd.,
1st Floor, Dhanam Tower,
Binny Main Road, Park Street,
Kumaran Road, Tiruppur 1.

..Appellant(s)

Vs

1. V. Priya
W/o. Vellingiri,
2. Minor. Baby Aswath
S/o. Vellingiri,
(Minor R2 is rep. by her Mother,
Guardian and Next Friend V. Priya)
3. Tr.Gokul Siddarth
S/o. Nagarajan,
4. Tr. P. Mohammed Sithdik
S/o. Raheem,

.. ..Respondent(s)

This appeal filed under Section 173 of Motor Vehicle Act to set aside the order dated 18.03.2025 passed in MCOP No.1919 of 2018 on the file of Exclusive MACT, Tiruppur.



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For Appellant(s): P.Suresh Srinivasan

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

This appeal has been filed by the Reliance General Insurance Company Limited challenging the Award dated 18.03.2025, passed by the Exclusive Motor Accident Claims Tribunal, Tirupur, in MCOP No.1919 of 2018.

2. MCOP No.1919 of 2018 had been filed by the respondents 1 and 2 herein under Section 166(1)(c) of the Motor Vehicles Act seeking compensation of Rs.50,00,000/- for the death of Vellingiri, the husband of the first respondent and father of the second respondent in a motor accident on 16.10.2017. On that date, at about 7.20 a.m., when he was crossing the Palladam to Chettipalayam Road from North to South near Pappampatti Water Tank, a Hyundai I-20 Magna Car bearing Registration No.TN 38 BP 6741 driven by the third respondent herein in a rash and negligent manner from East to West hit him. Veelingiri was treated at Royal Care Hospital, Coimbatore and inspite of treatment died on 21.10.2017.

3. In the claim petition, it had been contended that he was aged 27 years and working as a sweeper and earning Rs.20,000/- per month. Hence, Tribunal had fixed the monthly income at Rs.10,000/- per month and thereafter added



40% towards future prospects and fixed the monthly income at Rs.14,000/- per month. The Tribunal also deducted 1/3rd towards personal expenses and fix the

annual income at Rs.1,12,008/-. The multiplier 17 was taken and the total loss of dependency was fixed at Rs.19,04,136/-. Thereafter, compensation was also granted for funeral expenses, loss of estate and loss of consortium. The total compensation granted by the Tribunal was as follows:-

Sl.No	Under the Head	Calculation	Amount
1.	Annual Income Rs.10,000/- + Future Prospects 40%	Rs.10,000/- + Rs.4,000/- = Rs.14,000/-	Rs.14,000
2.	Deduction of 1/3rd for his personal expenses	Rs.14,000/- less Rs.4,666/- = Rs.9,334/-	Rs.9,334/-
3.	Loss of Annual Income	Rs.9,334/- x 12 = Rs.1,12,008/-	Rs.1,12,008/-
4.	Loss of Income after applying multiplier 17	Rs.1,12,008/- x 17 = Rs.19,04,136/-	Rs.19,04,136/-
5.	Compensation		
i)	Loss of dependency		Rs.19,04,136/-
ii)	Funeral Expenses		Rs.18,000/-
Iii)	For loss of Estate		Rs.18,000/-
iv)	For loss of consortium		Rs.96,000/-
	Spouse consortium to 1 st petitioner	-Rs.48,000/-	
	Parental consortium to 2 nd petitioner	-Rs.48,000/-	
	Total Award Amount		Rs.20,36,136/-



4. Challenging the afore mentioned compensation, this appeal has been filed by the Insurance Company.

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5. The Only ground raised by the Appellant/Insurance Company is that the accident took place in the year 2017 and monthly income has been fixed at Rs.10,000/-. But, however, the Tribunal had followed the judgment of the Madras High Court reported in *2019(1) TNMAC 54 in Andal and others Vs. Avinay Kannan and New India Assurance Co.Ltd.,* wherein, the manner in which the monthly income should be calculated had been given.

6. We find that it has been rightly held that the income should be determined by considering the cost of the inflation index for the specific period and thereafter dividing the result by the cost of the inflation index. Hence, we find no infirmity in the calculation of the monthly income.

7. Even the loss of consortium granted by the Tribunal is only according to the Judgment of the Hon'ble Supreme Court reported in *2017 ACJ page 2700 (National Insurance Company Limited.. Vs. Pranay Sethi and others)*. We find no infirmity in the Award granted. We are not inclined to interfere with the judgment passed by the learned Trial Judge.



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8. In view of the reasons stated, the judgment and the compensation granted by the Trial Court stands confirmed. The Appeal stands dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (K.R.S.,J.)

24-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP

To

The Exclusive Motor Accident Claims Tribunal,

Tiruppur.



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C.V.KARTHIKEYAN, J.

AND

K.RAJASEKAR, J.

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