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CMA No. 887 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 887 of 2026

and

CMP No.9163 of 2026

Reliance General Insurance Co.Ltd.,
Raj Towers,
Plot No. 2054,
II Avenue, II Floor,
Next to Senthil Nursing Home,
Anna Nagar,
Chennai 40.

..Appellant(s)

Vs

1. Lakshmi
2. Kameswari
3. Kamaraj
4. Gayathri
5. Dhanammal
6. Siva

..Respondent(s)

This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 25.10.2024 passed in MCOP.No. 782 of 2014 on the file of MACT IV Additional District and Sessions Judge, Tiruvallur at Ponneri.



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For Appellant(s):

Mr.P.Suresh Srinivasan

JUDGMENT

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

This Appeal is taken up for hearing at the time of admission itself.

2. This Appeal has been filed by the appellant – Insurance Company against the award dated 25.10.2024 made in M.C.O.P.No.782 of 2014 on the file of the Motor Accidents Claims Tribunal, IV Additional District and Sessions Judge, Thiruvallur, Ponneri.

3. The petitioners filed [M.C.O.P.No.782](#) of 2014 claiming a sum of Rs.20,00,000/- as compensation and restricted the claim compensation for Rs.6,00,000/- for the death of one Thiru. Jalendran, who died in the road accident that took place on 10.07.2013.

4. According to the petitioners, on 10.07.2013 at about 7.30 P.M., while the deceased, Jalendran, was travelling as a pillion rider in a Motorcycle bearing Registration No.TN-20-BH-0577, proceeding towards Rajammal Marriage Hall, Tamaraipakkam, Thiruvallur Road, the driver of the said Motorcycle drove the



vehicle in a rash and negligent manner and upset the motorcycle. As a result, the victim sustained fatal grievous injuries and died in the hospital on 16.07.2013.

The petitioners contended that the 1st respondent, being the owner of the offending Motorcycle bearing Registration No.TN-20-BH-0577, and the 2nd respondent, being the insurer thereof, are jointly and severally liable to pay compensation to the petitioners together with interest and costs.

5. The 1st respondent, who is the owner of the offending vehicle, was called absent and was set ex-parte on 04.04.2018.

6. The 2nd respondent – Insurance Company filed a counter affidavit and denied the validity of vehicle records, the driving license of the driver, and the insurance coverage of the 1st respondent's vehicle. They claimed that the accident had occurred solely due to the rash and negligent act of the driver of Motorcycle bearing Registration No.TN-20-BH-0577, and that the driver did not possess a valid and effective driving license on the date of accident. It was further denied that the said motorcycle was insured with the 2nd respondent for the relevant period and that it possessed valid transport documents such as RC, Permit, Fitness Certificate, and tax. The age, occupation, monthly income of the deceased, and the place, date, and time of accident were denied, and the petitioners were put to strict proof of the same. The compensation amount and interest claimed by the petitioners were stated to be highly excessive and it was



prayed that the claim petition should be dismissed against the 2nd respondent with cost.

7. Before the Tribunal, on the side of the petitioners, the 1st petitioner examined herself as PW-1 and marked Exs.P1 to P6. On the side of the respondents, no witness was examined and no document was marked.

8. On the basis of the pleadings, the Tribunal framed the following issues:

1. Whether the accident was taken place due to rash and negligent driving of driver of the 1st respondent motor cycle bearing Reg.No.TN-20-BJ-0577 or on the part of the deceased?

2. Whether the petitioners are entitled to claim compensation for the accident? If so, what is the quantum? From whom?

3. To what other relief the petitioners are entitled?

9. On the basis of the oral and documentary evidence, the Tribunal held that the accident had taken place only due to the rash and negligent driving of the 1st respondent. It is not in dispute that the 1st respondent's vehicle was not insured with the 2nd respondent at the time of the accident and therefore, held that the 1st respondent being the owner and the 2nd respondent being the insurer of the offending vehicle are jointly and severally liable to pay the compensation to the petitioners. The Tribunal granted the following compensation.



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Loss of Dependency	-	Rs. 16,87,500/-
Loss of Estate	-	Rs. 15,000/-
Loss of Consortium	-	Rs. 2,00,000/-
Funeral Expenses	-	Rs. 15,000/-

Total		Rs.19,17,500/-

10. Aggrieved over the said judgment, the appellant Insurance Company is before this Court.

11. Heard the learned counsel for the appellant.

12. It is also informed that notice had been directed to the respondents, when the appeal had been presented with delay and though notice had been served, the counsel had not entered appearance.

13. The learned counsel for the appellant has not raised any substantial grounds to interfere with the judgment of the trial Court. The only issue is on the quantum awarded by the Tribunal. But however, we perused the compensation granted under each head. In each head, the compensation granted is extremely reasonable and does not require interference by this Court.



14. Accordingly, this Civil Miscellaneous Appeal is dismissed, confirming the award dated 25.10.2024 in M.C.O.P.No.782 of 2014 passed by the Motor Accidents Claims Tribunal, IV Additional District and Sessions Judge, Thiruvallur, Ponneri. Though we confirmed the award of the Tribunal, if ever any objection or independent appeal had been filed by the claimants, the same will be heard independent of this judgment.

15.The appellant Insurance Company is directed to deposit the compensation amount of Rs.19,17,500/-, less the amount already deposited, together with interest at 7.5% p.a. and costs from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, claimants are entitled to withdraw their respective shares, as apportioned by Tribunal, together with interest, on due application. No costs. Consequently, the connected Miscellaneous Petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
16-04-2026

smv

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



To

Motor Accidents Claims Tribunal, IV Additional District and Sessions Judge,
Thiruvallur, Ponneri.



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

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