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C.M.A.No.905 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.905 of 2026

&

C.M.P.No.9310 of 2026

Reliance General Insurance Company Ltd.,
No.6, Reliance House, 6th Floor
Haddows Road, Nungambakkam
Chennai – 600 006

... Appellant

VS

1. P.Gajalakshmi

2. P.Suresh

3. P.Vignesh

4. Virudhambal Subarayan

Late Subrayan (Died)

5. R.Rajamanickam

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 30.04.2025 passed in M.C.O.P.No.3186 of 2021 on the file of MACT, Chief Judge, Court of Small



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Causes, Chennai.

For Appellant : Mr.P.Suresh Srinivasan

For Respondent : Ms.V.Ambika for R1 to R4

JUDGMENT

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

This appeal had been filed questioning the quantum of compensation determined by the Tribunal vide order dated 30.04.2025 passed in M.C.O.P.No.3186 of 2021 by the MACT, Chief Judge, Court of Small Causes, Chennai.

2. The claim petition had been filed by the claimants for the death of Ponniyappan. On 19.04.2021 at about 16.00 hours, when the deceased was riding a motorcycle bearing Registration No.TN 11 7072 at JN 100 feet road, Ashok Nagar near Lakshman Sruthi Signal from North to South, the driver of the Innova Car bearing Registration No.TN 07 AL 4390, which was standing on the road suddenly opened the door of the rear right side and the motorcycle driven by the deceased dashed against the car door, due to which



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the deceased sustained multiple injuries and died on the same day at the hospital.

3. The first respondent before the Tribunal, who is the owner of the car, remained *ex parte*. The claim petition was resisted by the appellant / second respondent Insurance Company stating that the accident had occurred only due to the negligence of the deceased, who had driven the motorcycle bearing Registration No.TN 11 7072 without observing the traffic rules. It is also stated that the petition is bad for non-joinder of necessary parties. It is the further case of the Insurance Company that the driver of the car did not possess a valid driving licence and therefore, they are not liable to pay the compensation amount.

4. Before the Tribunal, on the side of the claimants, three witnesses were examined as PWs 1 to 3 and 2 and Exs.P1 to P26 were marked. On the side of the respondents, one witness was examined as RW1 and Exs. R1 to R4 were marked.



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5. The Tribunal, after considering the evidence placed on record, held

that the accident had occurred only due to the rash and negligent act of the driver of the car and 1st respondent being the owner and 2nd respondent being the insurer of the offending vehicle are jointly and severally liable to pay the compensation. The Tribunal, however, held that as there was a violation of policy terms and conditions, the 2nd respondent being the insurer shall first pay the compensation to the claimants and later recover the same from the first respondent. The compensation awarded by the Tribunal is as follows:

Sl.No.	Heads	Amount in Rs.
1	Towards Loss of Income / Dependency (Rs.7,15,764/- x 9 x 2/3)	42,94,584/-
2	Towards Loss of Estate	16,500/-
3	Towards Loss of Consortium Rs.44,000/- (Each) x 4	1,76,000/-
4	Towards Funeral Expenses	16,500/-
5	Towards Transportation Charges including damages to personal belongings	10,000/-
	Compensation payable	45,13,584/-

Rounded off to Rs.45,13,600/-

Aggrieved over the quantum of compensation awarded by the Tribunal, the



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appeal had been filed by the Insurance Company.

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6. Heard the learned counsel for the appellant and the respondent.

7. The quantum determined by the Tribunal had been questioned by the learned counsel for the appellant with specific reference to the monthly income, which had been determined at Rs.60,000/- per month, however, a perusal of the order of the Tribunal shows that PW3 had been examined to prove the income of the deceased Ponniyappan. Deceased Ponniyappan was a Sales Manager at Tajir Pvt. Ltd., and was earning a sum of Rs.60,000/- and Perks of Rs.400/- per month. In this connection, the respondents/claimants have produced salary certificate (Ex.P7) for the period from October 2020 to March 2021, IT returns for the Assessment Year 2020-21, marked as Ex.P8 and pay slip for the month of March 2021, marked as Ex.P26. The Tribunal, only after considering all these documents, had determined the monthly income at Rs.60,000/-. The Tribunal had also deducted income tax, Cess payable at 4% and professional tax while arriving at the loss of dependency. The Tribunal had deducted 1/3 towards personal expenses on the reasoning that though there are 5 dependents, the claimants 2 and 3 were adults and aged about 26 years at the time of accident. We do not find any infirmity in



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the award passed by the Tribunal.

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Accordingly, this Civil Miscellaneous Petition is dismissed confirming the award passed by the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai dated 30.04.2025 in M.C.O.P.No.3186 of 2021. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[C.V.K., J] [K.R.S., J]
08.04.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Motor Accident Claims Tribunal
Chief Judge, Court of Small Causes, Chennai
2. The Section Officer
VR Section
Madras High Court



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and
K.RAJASEKAR, J

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