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CMA Nos. 2913 of 2024 & 431 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 2913 of 2024

and

CMP Nos.24327 & 24329 of 2024

and

CMA No.431 of 2026

and

C.M.P.No.5194 of 2026

CMA No.2913 of 2024:

Ramani

..Appellant/ 1st
Respondent

Vs

1. Sivasubramanian
2. Uma

.. 1st and 2nd
Respondent / Claimants

3. Chola MS Gen. Ins. Co.Ltd.,
319, 154, Shawallace Building,
2nd Floor, Thambuchetty Street,
Chennai - 600 001.

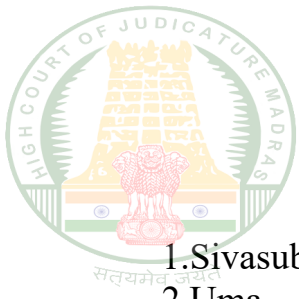
... 3rd respondent / 2nd respondent

CMA No.431 of 2026:

- 1.Cholamandalam MS General Insurance Co. Ltd.,
No.319/154, Shawalace Building,
2nd Floor, Thambu Chetty Street,
Chennai – 600 001.

.. Appellant / 2nd respondent

Vs.



1.Sivasubramanian

2.Uma

3.Ramani

.. 1st and 2nd Respondents / Claimants

.. 3rd Respondent / 1st Respondent

Prayer in CMA No.2913 of 2024: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in MCOP No. 4294 of 2021 on the file of the Motor Accident Claim Tribunal, Chennai, dated 06.08.2024.

Prayer in CMA No.431 of 2026: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 06.08.2024 in MCOP No.4294 of 2021 on the file of the Motor Accident Claims Tribunal, Chief Court of Small Causes, Chennai.

For Appellant(s):

Mr.A.Sundara Vadhanan in CMA No.2913 of 2024
Ms.R.Sree Vidhya in CMA No.431 of 2026

For Respondent(s):

Mr.Varatha Kamaraj for R1 and R2
Ms.R.Sree Vidhya for R3
in CMA No.2913 of 2024

Mr.Varatha Kamaraj for R1 and R2
Mr.A.Sundara Vadhanan for R3
in CMA No.431 of 2026



COMMON JUDGMENT

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

C.M.A.No.431 of 2026 has been filed by the appellant – Insurance Company against the judgment and decree dated 06.08.2024 made in M.C.O.P No.4294 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

2.C.M.A.No.2913 of 2024 has been filed by the appellant – 1st respondent seeking to set aside the award dated 06.08.2024 made in M.C.O.P.No.4294 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

3.Both the appeals arise out of same accident and same award and hence, disposed of by this common judgment.

4.For the sake of convenience the parties are referred to as per their ranks in the claim petition.

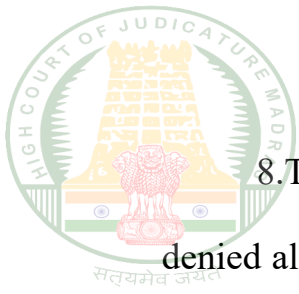
5. The petitioners filed M.C.O.P. No.4294 of 2021 claiming a sum of Rs.55,00,000/- as compensation for the death of the deceased, Mr.Arvindankar, who died in the road accident that took place on 05.09.2021.



O.P.No.4294 of 2021:

6.The petitioners are parents of the deceased. According to the petitioners, on 05.09.2021 at 1.55 a.m., while the deceased was travelling in a car bearing Registration No.TN-93-C-0345 at Perungalathur in front of Sriram Gateway Accenture Company, the driver, drove the car in a rash and negligent manner and hit against the centre median of the road and dashed behind an unknown lorry and also dashed against the stationed lorry bearing Registration No.TN-28-AB-2172. As a result of which, the deceased sustained fatal injuries and died at the spot itself. It was further claimed that at the time of accident, the deceased was aged 22 years. He was working as an Engineer in AXISCADD, Thiruvanniyur, Chennai and earning Rs.40,000/- per month. The 1st respondent is the owner and the 2nd respondent is the insurer of the car bearing Registration No.TN-93-C-0345. The petitioners contended that the 1st respondent, being the owner of the offending vehicle bearing Registration No. TN-93-C-0345, and the 2nd respondent, being the insurer thereof, are both liable to pay compensation to the petitioners together with interest and costs.

7.The 1st respondent – owner of the offending vehicle filed a counter statement and denied all the allegations stated in the petition. According to the 1st respondent, he has no liability since the driver was holding valid driving licence at the time of accident and the driver of the vehicle was driving in nominal speed and controlled manner and prayed for dismissal of the claim petition against the 1st respondent.

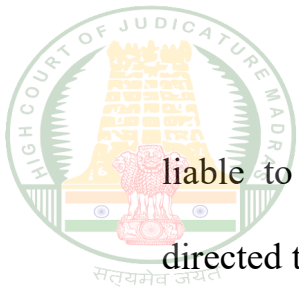


8.The 2nd respondent – Insurance Company filed a counter statement and denied all the allegations stated in the petition. According to the 2nd respondent, the driver of the car lost control due to an unknown lorry who drove recklessly and that the car was damaged only after dashing against the stationed lorry bearing Registration No.TN-28-AB-2172. The said lorry was parked in the highway without any indicators, which has contributed to the death of the deceased.

9.The 2nd respondent – Insurance Company also filed a counter statement stating that, as per the final report filed by the Chrompet Police Station in Crime No.250 of 2021, one Raghu was driving the car at the time of accident and there is no driving licence for the driver. The 1st respondent had violated the terms and conditions. Therefore, the 2nd respondent is not liable to indemnify the 1st respondent and prayed for dismissal of the claim petition.

10.Before the Tribunal, the 1st petitioner, Sivasubramanian examined himself as PW-1 and 15 documents were marked as Exs.P1 to P15. On the side of the respondents, no witness was examined and no document was marked.

11.The Tribunal considering the pleadings, oral and documentary evidence, held that the 1st respondent being the owner of the vehicle and the 2nd respondent being the insurer of the offending vehicle are jointly and severally



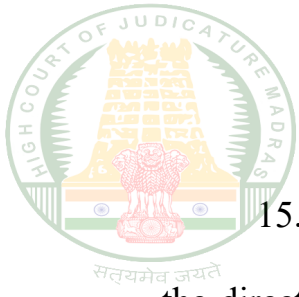
liable to compensate the claimants for the death of the deceased and also directed that the 2nd respondent shall first pay the award amount to the claimants and then recover the same from the 1st respondent.

12.Challenging the liability fastened on the 1st and 2nd respondents, they have filed the present appeals.

13.Heard both sides.

C.M.A.No.2913 of 2024:

14.This Appeal had been filed by the appellant / 1st respondent / owner of the offending vehicle questioning the direction given by the Tribunal to pay the award amount and to recovery it from the 1st respondent. He had also filed C.M.P.No.24329 of 2024 seeking to produce as additional evidence / the Driving License of the driver of the offending vehicle. A direction to pay the award amount and to recover it from the 1st respondent had been passed by the Tribunal, on the presumption that the driver of the offending vehicle, K.Ragul, did not have valid driving license. But however, the driver of the offending vehicle possessed a valid driving license. This fact is not denied by the learned counsel for the Insurance Company / 2nd respondent. In view of that particular fact, C.M.P. No.24329 of 2024 stands allowed. Accordingly, the driving license in the name of K.Ragul, driver of the offending vehicle, is taken on record as Ex.R1.



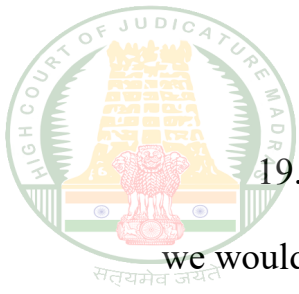
15. In view of this particular fact, C.M.A.No.2913 of 2024 is allowed and the direction issued by the Tribunal to pay the award amount by the Insurance Company / 2nd respondent and later, recover it from the 1st respondent is set aside. No costs.

CMA.No.431 of 2026:

16. In this appeal, the only issue raised by the learned counsel for the appellant / 2nd respondent / Insurance Company is about the monthly income fixed by the Tribunal at Rs.30,000/- notionally.

17. The Tribunal had stated that the Hon'ble Supreme Court had approved notional income of Rs.25,000/- for a final year engineering student for an accident which happened in the year 2016. It had been contended that, in the case on hand, the deceased had completed B.Tech Mechanical Engineering in First Class. It had also been contended that the accident happened in the year 2021 and therefore, contended that the notional income is correctly fixed.

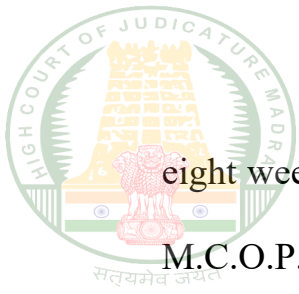
18. However, the learned counsel for the appellant / 2nd respondent / Insurance Company stated that the notional income is on the higher side and stated that the Courts here have consistently determined the notional income for an Engineering graduate at Rs.20,000/- for an accident which happened in the year 2020.



19. Taking into consideration that this accident happened on 05.09.2021, we would grant an upward revision of the notional income from Rs.20,000/- and grant Rs.25,000/-. Thus, the compensation awarded by the Tribunal is modified as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of Income dependency	45,36,000/-	37,80,000/-	Reduced
2.	Loss of Estate	16,500/-	16,500/-	Confirmed
3.	Loss of Consortium	88,000/-	88,000/-	Confirmed
4.	Funeral Expenses	16,500/-	16,500/-	Confirmed
5.	Transportation charges including damages to personal belongings	10,000/-	-	
	Total	Rs.46,67,000/-	Rs.39,01,000/-	Reduced by Rs.7,66,000/-

20. In the result, C.M.A.No.2913 of 2024 filed by the 1st respondent is allowed and C.M.A.No.431 of 2026 filed by the 2nd respondent-Insurance Company is partly allowed reducing the compensation awarded by the Tribunal at Rs.46,67,000/- to Rs.39,01,000/- together with interest at the rate of 7.5% per annum (excluding the default period if any) from the date of petition till the date of deposit. The 2nd respondent – Insurance Company is directed to deposit the award amount of Rs.39,01,000/- now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of



eight weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.4294 of 2021, on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai. On such deposit, the claimants are permitted to withdraw their respective share of the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. The 2nd respondent-Insurance Company is permitted to withdraw the excess amount lying in the credit of M.C.O.P.No.4294 of 2021, if the entire award amount has already been deposited by them. Consequently, connected C.M.P.No.24327 of 2024 and C.M.P.No.5194 of 2026 are closed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
24-06-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

List of Document:

Sl. No.	Exhibit	Dated	Document
1	Ex.R1	20.06.2018	Driving License in the name of K.Ragul.



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CMA Nos. 2913 of 2024 & 431 of 2



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

smv

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