



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

CMA No. 185 of 2026 and CMP.No.2195 of 2026

1. Reliance General Insurance Co Ltd
No. 6 Haddows Road,
Nungambakkam, Chennai 6.

Appellant(s)

Vs

1. Priya
2.Ramayai
3.P.Vijayakumar

Respondent(s)

PRAYER: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 08.01.2024 made in MCOP No. 3869 of 2021 on the file of Motor Accident Claims Tribunal, Chief Judge Court of Small Causes, Chennai.

For Appellant(s): Ms.R.Sree Vidhya

For Respondent(s): Mr.Amar D Pandiya for R1 and R2

JUDGMENT

(Judgment was made by **N.Sathish Kumar J.**)

Challenging the award made in MCOP.No.3869 of 2021 on the file of the Motor Accident Claims Tribunal Chief Judge Court of Small Causes, Chennai, the present appeal has been filed. The appellant herein is the insurer of the offending vehicle and the third respondent is the owner of vehicle. The respondents 1 and 2 are the claimants.



2. Brief facts in filing the appeal is as follows:-

2.a. The deceased was riding his Ashok Leyland Lorry bearing Registration No.TN52-D-3348 from Chennai Harbour to Bangalore National Highways, near Dhargamedu, Sunguvarchathiram, a tipper lorry bearing Registration No.TN25-AK-4822 proceeding in the same direction suddenly took a 'U' turn without giving any signal and applying signal lights, which resulted in the victim's Ashok leyland lorry hitting the rear side of the tipper lorry, due to the impact the victim sustained fatal injuries and died on spot. The claimants being the wife and mother of the deceased have filed the petition claiming compensation. At the time of accident, the deceased was working as driver in NKR Transport, Denkanikottai Taluk, Krishnagiri District, who was earning Rs.20,000/- at the time of death and hence, the claimants being the wife and children of the deceased have filed the petition claiming compensation.

2.b. It is the contention of the Insurance Company before the Tribunal that accident had occurred solely due to the negligence of the deceased himself who was riding the vehicle without following traffic rules at the time of accident. There is involvement of two vehicles, the claimants ought to have impleaded the owner and insurer of the Ashok Leyland Lorry for proper adjudication of the claim, therefore, the above claim petition is bad for non-joinder of necessary parties. Before the Tribunal, on the side of the claimants, PW1 and PW2 were examined and Exs.P1 to P21 were marked. On the side of the respondents, none was examined and no documents were marked. Though



Insurance Company has filed an application under Section 170 of Motor Vehicles Act, no evidence was produced.

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2.c. Based on the material and evidences, the Trial Court considering the evidences of PW1 and PW2, eye witness has come to the conclusion that the accident took place due to the rash and negligent driving of the first respondent's lorry and awarded the compensation as follows:-

Sl.No.	Heads	Calculation
1	Total loss of dependency	Rs.28,56,000/-
2	Loss of consortium	Rs.80,000/-
3	Loss of estate	Rs.15,000/-
4	Funeral expenses	Rs.15,000/-
5	Transport charges	Rs.10,000/-
Total compensation is fixed at		Rs.29,76,000/-

2.d. The Trial Court while fixing the compensation took the notional income as Rs.15,000/- and adding 40% future prospects, fixed the income as Rs.21,000/- and applied the multiplier as per the age of the deceased and considering other aspects, awarded the compensation.

3. Challenging the same, the insurer of the third respondent vehicle has preferred the instant civil miscellaneous appeal.

4. The only contention of the learned counsel for the appellant is that



since the deceased lorry hit the tipper lorry insured with the appellant Insurance driving from the rear side, negligence has to be fixed on the deceased also.

Hence, seeks for allowing this appeal.

5. Heard the learned counsel for the appellant and the learned counsel for the respondents 1 & 2 and perused the materials placed on record.

6. The Trial Court, in fact, has clearly assessed the evidence of the eye witness/PW2 and found that the negligence is entirely on the offending vehicle which took sudden u-turn without giving any signal or indicator. Therefore, once the evidence has already come on record that clearly shows that offending vehicle took u-turn without any signal or indicator, merely, because the deceased rode the lorry and hit the offending vehicle from the rear side, negligence cannot be attributed to the deceased. Further, in order to prove the so-called contributory negligence, the appellant Insurance Company ought to have taken some steps to examine the witness to disprove the facts already established on record by the claimants, in the absence of any such evidence, contributory negligence as pleaded by the Insurance Company cannot be accepted.

7. As far as fixing the monthly income is concerned, the Tribunal has in fact fixed the notional income of Rs.15,000/- to arrive at just and fair



compensation and adding future prospects considering his age, a total income was fixed at Rs.21,000/-. Considering the nature of compensation awarded by the Tribunal, we are of the view that the same is just and reasonable and the same is also not canvassed before us except the theory of contributory negligence which has not been established. Such view of the matter, I do not find any merits in the appeal.

8. In fine, this appeal stands dismissed and the judgment and decree dated 08.01.2024 made in M.C.O.P.No.3869 of 2021 on the Motor Accident Claims Tribunal Chief Judge Court of Small Causes, Chennai is confirmed. No costs. Consequently, connected miscellaneous petition stands closed. The appellant Insurance Company is directed to deposit the award amount along with interest and costs within a period of two months, if not already deposited.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
29-01-2026

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Chief Judge

Motor Accident Claims Tribunal

Chief Judge Court of Small Causes

Chennai



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AND
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