



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON
17.12.2025

PRONOUNCED ON
28.01.2026

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**CMA No.1001 of 2023
and
C.M.P.No.9424 of 2023**

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

Appellant(s)

Vs

- 1.VayalathalW/o.Mani @ Manikandan
- 2.Dhanesh (Minor)
S/o.Mani @ Manikandan
- 3.Pachaiyammal
W/o.Kasi
(Minor 2nd respondent is represented by his
mother/ 1st respondent Vayalathal)
- 4.Michelraj
S/o.Mohan
- 5.Vijayakumar
S/o.Mahalingam

Respondent(s)

**Prayer:**

Civil Miscellaneous Petition filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment passed in M.C.O.P.No.870 of 2017 on 07.07.2022 on the file of the Learned Motor Accident Claims Tribunal / Special Sub Court No.2, Small Causes Court, Chennai and be pleased to dismiss the above claim and allow the CMA.

For Appellant(s): Mr.G.Vasudevan

For Respondents: Ms. A.Saloni for R1 to R3

COMMON JUDGMENT

(Judgment of the Court was made by K.KUMARESH BABU. J.)

The above Civil Miscellaneous Appeal has been made against the award dated 07.07.2022 passed in the M.C.O.P.No.870 of 2017 on the file of Motor Accident Claims Tribunal, Special Sub Court, Chennai, wherein the award was granted in favor of the respondents 1 to 3 who are the legal heirs of the deceased.

2. The facts giving rise to the present appeal are, that the deceased named one Mr.Manikandan @ Mani who was working as a driver had died in the road accident on 23.01.2017. The deceased was travelling in a call Taxi bearing Registration No.TN-73-U3630 from Chennai to Pondicherry. While the vehicle was going near Aariyas Hotel on Tindivanam by pass road at Nathamedu, the driver of the Tavera Call taxi driving the car in a rash and negligent manner, had



hit the lorry in front of him. As the result of the impact of the collision the deceased who was sitting in the front seat of the car sustained fatal injuries which caused his death eventually.

3. The legal heirs and dependents of the deceased, namely, the 1st respondent, who is the wife of the deceased, the 2nd respondent, who is the minor son of the deceased, and the 3rd respondent, who is the mother of the deceased, filed a claim petition in M.C.O.P. No. 807 of 2017 before the Motor Accidents Claims Tribunal, seeking compensation against the 4th and 5th respondents, who are the owners of the Tavera Car, and the appellant Insurance Company, with which the offending vehicle was insured.

4. The respondents in the claims petition had alleged that the deceased himself was driving the offending vehicle at the time of the accident. However, the learned Tribunal, upon consideration of the oral and documentary evidence on record, came to the conclusion that the 1st respondent in the M.C.O.P., viz., the 4th respondent in the present appeal, was the driver of the offending vehicle at the time of the accident. The learned Tribunal thereafter awarded a sum of Rs.22,66,800/- as a quantum of compensation to the dependents of the deceased. It can be clearly seen that a typographical error has crept into the impugned order dated 07.07.2022 of the Learned Tribunal, wherein the 2nd



respondent in the claims petition has been erroneously held as the Insurance Company, whereas the offending vehicle was insured with the 3rd respondent of the petition. Consequently, due to such inadvertent error, the Tribunal has wrongly directed the 2nd respondent, instead of the 3rd respondent, to pay the compensation to the dependants of the deceased.

5. Heard Mr.G.Vasudevan the learned counsel appearing on behalf of the appellants and Ms.A.Saloni the learned counsel appearing on behalf of the respondents 1 to 3.

6. The learned counsel appearing for the appellant would submit that Claims Tribunal had failed to consider that, during the time of the accident, it was the deceased who was driving the vehicle, in the rash and negligent manner and had caused the accident. The 4th respondent was examined as RW1 in the claims petition and his deposition clearly shows that the 4th respondent was not having an appropriate badge to drive a Transport Vehicle. Even assuming, without admitting, that the 4th respondent had driven the vehicle, the same would amount to a clear breach of the policy conditions under the Insurance Policy, and consequently, the appellant Insurance Company cannot be fastened with liability to pay the compensation. He further submits that the Tribunal failed to consider the additional counter filed by the appellant insurance



company in the claims petition, wherein it is contented that since the deceased himself being a tortfeasor, the provisions of the Motor Vehicles Act, does not envisage a tortfeasor to be entitled to be covered and hence the claim against the insurance company is not maintainable.

7. He also submits that the Tribunal was unduly influenced by the fact that the FIR was registered against the 4th respondent and had placed excessive reliance upon the same. According to him, it is well settled principle of law that an FIR cannot, by itself, be treated as conclusive evidence for fixing liability. He also contends that tribunal had erred in fixing the notional monthly income of the deceased at Rs. 10,500/- and adding 40% towards future prospects, which is excessive for the deceased who was a driver by profession. Further the Tribunal had also erred applying the multiplier of 18 for the deceased who was aged about 25 years, without considering the negligence of the deceased in causing the accident and had also erred in awarding an excessive sum of Rs.1,20,000/-towards loss of consortium. Therefore in light of above facts and circumstances he prays this court to allow the current appeal.

8. Countering the above arguments Ms.A.Saloni, the learned counsel appearing on behalf of the respondents 1 to 3 would submit that the learned Claims Tribunal, after hearing both sides and upon due appreciation of the oral



and documentary evidence on record, had rightly held that the 4th respondent was responsible for the accident. She would further submit that since the Tavera Car was duly insured with the appellant Insurance Company, the Tribunal had correctly fastened liability on the appellant and awarded a compensation of Rs.22,66,800/- towards dependents of the deceased by its award dated 07.07.2022. Hence she vehemently contends that the award passed by the Tribunal is just, reasonable, and in accordance with law, and therefore does not warrant any interference by this Hon'ble Court. Hence, she prays this court to dismiss the present appeal.

9. We have considered the submissions made by the respective counsels and perused the materials available on record.

10. The contention of the appellant Insurance Company is that the accident which occurred on 23.01.2017 was the result of the rash and negligent driving of the deceased himself. The further contention of the appellant is that even assuming that the 4th respondent was driving the offending vehicle at the time of the accident, he did not possess a valid endorsement/an appropriate badge to drive a transport vehicle, which, according to the appellant, constituted a breach of the policy conditions, thereby absolving the appellant of its liability to pay compensation.



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11. As regards to the contention relating to breach of policy conditions, the Claims Tribunal has rightly relied upon the principles laid down by the Hon'ble Supreme Court in *Mukund Dewangan v. Oriental Insurance Co. Ltd.*, wherein it has been held that a driver holding a valid driving license to drive a class of "Light Motor Vehicle" as defined under Sections 2(21) and 10(2)(d) of the Motor Vehicles Act, 1988, is competent to drive a transport vehicle, the gross vehicle weight of which does not exceed 7,500 kilograms, and that no separate endorsement is required for the same. Applying the ratio laid down in the aforesaid judgment, the Tribunal has correctly held that the offending vehicle, in the present case falls within the category of Light Motor Vehicle and that the driver was duly authorized to drive the same. Hence, the contention of the appellant Insurance Company that there was a violation of policy conditions and that it is entitled to be exonerated from liability is untenable and liable to be rejected.

12. Further upon considering of the pleadings on both side and the oral and documentary evidences available on record, this Court finds that the Claims Tribunal had rightly come to the conclusion that the accident occurred due to the rash and negligent driving of the 4th respondent. Therefore the finding of the Tribunal with regard to the negligence does not suffer from any irregularity



or illegality warranting interference by this Court. It is further to be noted that the appellant has not disputed the fact that the offending Car involved in the accident was insured with the appellant Insurance Company at the relevant point of time. This Court is of the considered view that the award passed by the Claims Tribunal, by its order dated 07.07.2022, has correctly applied the principles laid down by the Hon'ble Apex Court in *Sarla Verma's* case, to determine the multiplier and the *Pranay Sethi's* case for computing the future prospects, while arriving at the total quantum of compensation. This Court finds that the conclusion arrived at by the Claims Tribunal is just, reasonable and in consonance with the well settled principles of law, and therefore warrants no interference.

13. Accordingly, the present Civil Miscellaneous Appeal is dismissed and the award dated 07.07.2022 passed by the Claims Tribunal in M.C.O.P. No. 870 of 2017 stands confirmed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(C.V.K., J.) (K.B., J.)
28-01-2026

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



To

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1. The Motor Accident Claims Tribunal/
Special Sub Court No.2,
Small Causes Court, Chennai
2. The Section Officer,
VR Section, High Court,
Madras.



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CMA No. 1001 of 2023



**C.V.KARTHIKEYAN, J.
and
K.KUMARESH BABU, J.**

Gba

**CMA No. 1001 of 2023
and
C.M.P.No.9424 of 2023**

28.01.2026