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C.M.A.No.169 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

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THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.169 of 2026

&

C.M.P.No.1981 of 2025

The Manager
Reliance General Insurance Company Limited
No.6, Haddows Road, Reliance House, 4th Floor
Nungambakkam, Chennai-600 006

... Appellant

Versus

1. Malathy

2. Ganesan

3. Juny Escolas Dsouza

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the order dated 18.06.2025 passed in M.C.O.P.No.2083 of 2022 on the file of MACT II Judge, Court of Small Causes, Chennai.

For Appellant : Mr.P.Suresh Srinivasan



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JUDGMENT

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Challenging the quantum compensation of awarded by the Motor Accident Claims Tribunal, the Insurance Company is before this Court on the ground that quantum fixed by the Tribunal is exorbitant.

2. The brief facts of the case is as follows:

On 31.03.2022, at about 03.15 am, when the deceased was travelling as a pillion in a motor cycle bearing Reg. No.TN 12 AK 0953 along old Mahabalipuram Road from South to North, the first respondent's car bearing Registration No.AP 09 CH 1766, which came in a rash and negligent manner from North to South suddenly turned west towards Medavakkam without noticing the oncoming vehicle and dashed against the deceased vehicle due to which the deceased sustained fatal injuries and died on the spot.

3. Before the Tribunal, on the side of claimants, first claimant examined herself as PW1 and one Dhayalan, who was eye witness to the occurrence and rider of the motorcycle was examined as PW2 and Exs.P1 to



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P11 were marked. On the side of the Insurance Company no one was examined and no exhibits were marked.

4. The tribunal, considering the evidence of PW2 i.e., rider of the motorcycle, has found that rider of the offending vehicle drove the vehicle in a rash and negligent manner and turned right side. The evidence of PW2 has not been shattered in any manner. That apart, there is no evidence whatsoever to show that there was contributory negligence on the part of the rider of the two wheeler. Hence, considering the FIR and the evidence of PW2, the Tribunal has rightly fixed the negligence on the part of the driver of the offending car and awarded the compensation as follows:

<i>Sl.No.</i>	<i>Compensation</i>	<i>Amount</i>
1.	<i>Loss of Dependency</i>	<i>Rs.24,23,520/-</i>
2.	<i>Loss of Filial consortium for the petitioners</i>	<i>Rs.88,000/-</i>
3.	<i>Funeral Expenses</i>	<i>Rs.16,500/-</i>
4.	<i>Loss of Estate</i>	<i>Rs.16,500/-</i>
	<i>Total</i>	<i>Rs.25,44,520/-</i>

Questioning the quantum, the Insurance Company is before this Court.

5. The learned counsel for the appellant Insurance Company submitted that rider of the motor cycle drove the motorcycle at high speed in

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a rash and negligent manner and dashed against the first respondent car which resulted in the accident. It is his further contention that driver of the offending vehicle did not possess valid driving licence at the time of accident and hence, the appellant Insurance Company is not liable to pay the compensation claimed by the respondents 1 and 2 herein. However, we are of the view that in the absence of any evidence on the side of the Insurance Company, the plea of contributory negligence has no legs to stand.

6. As far as the quantum of the compensation fixed by the Tribunal is concerned, admittedly the deceased was aged about 21 years at the time of accident and was working as a Developer in HCL Company. The salary slip of the deceased marked as Ex.P7 shows that the deceased was drawing a salary of sum of Rs.16,029/- per month and hence, the Tribunal has fixed the monthly income of the deceased at 16,029/- and added 40% towards future prospects as per the dictum laid down by Hon'ble Supreme Court in ***National Insurance Company Limited Vs. Pranay Sethi and Others*** reported in ***2017 (2) TANMAC 609 (SC)***. When the salary drawn by the deceased has also been established by way of documentary evidence and the deceased was just 21 years old, we are of the view that the notional income fixed by the Tribunal based on the Salary Slip issued by the employer cannot



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be found fault with. We do not find any merit in the appeal and the same is liable to be dismissed.

Accordingly, this Civil Miscellaneous Appeal is dismissed. Appellant Insurance Company is directed to deposit the amount, less the amount already deposited, within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[N.S.K.,J.] [R.S.V.,J.]
30.01.2026

Index: Yes/No
Neutral Citation: Yes
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To

The Motor Accident Claims Tribunal
II Judge, Court of Small Causes, Chennai



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