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C.M.A.No.415 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.415 of 2026

and

C.M.P.No.5056 of 2026

The Manager,
Reliance General Insurance Company Limited,
No.6, Haddows Road, Nungambakkam,
Chennai – 600 034.

... Appellant

Vs.

1.Veeramma
2.Abirami
3.Aathikesavan (Minor)
4.Akila (Minor)
5.Akash (Minor)
*[Minor respondents 3 to 5 represented by
their mother and next friend 1st respondent]*
6.Sengeni
7.Venkatesan
8.S.Chitra

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal/VI Court of Small Causes, Chennai, on



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17.06.2025 in M.C.O.P.No.5240 of 2022.

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For Appellant : Mr.P.Suresh Srinivasan

For R1 to R7 : Mr.G.Shanmugam

J U D G M E N T

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the Award passed by the Motor Accident Claims Tribunal/VI Court of Small Causes, Chennai, (hereinafter referred to as “the Tribunal” for brevity), dated 17.06.2025, in M.C.O.P.No.5240 of 2022, the above Civil Miscellaneous Appeal has been filed.

2.For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.

3.Brief facts of the case are as follows :

On 05.08.2022, at about 13.00 hours, while the deceased Azhagunathan was travelling in his Pulsar motor-cycle bearing Registration No.MH-05-BA-8442 on Chennai to Trichy National Highway, proceeding from North to South direction, at Senkurichi Toll Gate near Senthnanadu

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Section Salai, Ulundurpet Taluk, Kallakurichi District, a lorry bearing Registration No.TN-28-AM-0663 driven in a rash and negligent manner came in the same direction and hit behind the deceased, resulting in the death of the deceased on the spot. Therefore, the respondents 1 to 7, who are the wife, children and parents of the deceased, filed a claim petition in M.C.O.P.No.5240 of 2022 before the Tribunal, claiming a total compensation of Rs.49,00,000/- under various heads.

4.The 2nd respondent/insurer of the lorry contested the case by filing a counter. The 2nd respondent contended that the accident was due to the negligence of the deceased, besides disputing the age and income of the deceased.

5.On the side of the claimants, P.W.1 and P.W.2 were examined and Exs.P1 to P19 were marked. On the side of the respondents before the Tribunal, no witness was examined nor any document marked.

6.The Tribunal, on appreciation of evidence and materials on record, by its Award dated 17.06.2025, held that the accident was due to the



negligence of the lorry driver and awarded a sum of Rs.31,46,600/- as compensation and fastened the liability on the 2nd respondent/insurer of the lorry.

7.Challenging the same, the insurer of the lorry has filed the present Civil Miscellaneous Appeal.

8.Learned counsel for the appellant/Insurance Company would submit that the accident occurred due to the negligence of the deceased. Further, it is his contention that the notional income fixed by the Tribunal is not in accordance with law and the amounts awarded by the Tribunal under various heads are also on the higher side and hence, prays for interference.

9.Whereas, the learned counsel appearing for the respondents 1 to 7/claimants would submit that the Tribunal has rightly appreciated the evidence on record and has awarded just compensation, which requires no interference.



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10. Heard the learned counsel on either side and perused the entire materials available on record.

11. It is relevant to note that the claimants have examined P.W.2 as an eye-witness to the accident, who has spoken about the nature of the accident. Further, Ex.P1 (FIR) has been registered as against the lorry driver and Ex.P2 (postmortem certificate) also indicates that the deceased had died due to the injuries caused in the road accident. The respondents in the claim petition have not come forward to adduce any evidence on their part to prove their case or disprove the case of the claimants. Hence, the Tribunal has rightly fixed the negligence on the part of the lorry driver.

12. Further, though it was claimed by the claimants that the deceased was earning a sum of Rs.75,000/- per month from his profession as Agricultural Contractor, since there was no proof to establish the same, the Tribunal, considering the age of the deceased, fixed the notional income of the deceased at Rs.16,700/- per month as per the judgment of the Division Bench of this Court in *Andal v. Avinav Kannan* reported in **2019 (1)**



TNMAC 54. Further, as per the dictum of the Hon'ble Supreme Court in *National Insurance Company Ltd. v. Pranay Sethi and others* reported in **2017 (2) TNMAC 609**, the Tribunal has added the future prospects at the rate of 25% and arrived at the monthly income as Rs.20,875/-. Further, after deducting 1/5th towards the personal expenses of the deceased, the annual income of the deceased was fixed at Rs.2,00,400/-. Thereafter, in the light of the law laid down by the Hon'ble Supreme Court in *Sarala Verma and others v. Delhi Transport Corporation and others* reported in **2009 (2) TNMAC 1**, the Tribunal, considering the age of the deceased, has adopted the multiplier of 14 and accordingly, calculated the loss of dependency at Rs.28,05,600/-. Thus, the Tribunal has awarded the compensation as follows:

<i>Sl.No.</i>	<i>Head</i>	<i>Amount awarded</i>
1.	Loss of dependency	Rs.28,05,600/-
2.	Loss of Consortium	Rs.3,08,000/- (Rs.44,000 x 7)
3.	Loss of Estate	Rs.16,500/-
4.	Funeral expenses	Rs.16,500/-
	Total	Rs.31,46,600/-



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13. On a perusal of the entire evidence and materials on record, we are of the view that, since there was no proof for income, the Tribunal, considering the age of the deceased, has fixed the notional income of the deceased at Rs.16,700/- per month as per the dictum of the Division Bench of this Court in *Andal v. Avinav Kannan* reported in **2019 (1) TNMAC 54**. Therefore, the contention of the learned counsel for the appellant that the notional income fixed by the Tribunal is on the higher side, cannot be countenanced. Further, we are of the view that the Tribunal has rightly applied the law laid down by the Hon'ble Supreme Court to the facts of the case and has awarded compensations under various heads, which are just and proper and require no interference by this Court.

14. Therefore, we do not find any merit in this Appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (R.S.V., J.)
26.02.2026

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Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes

To

1.The VI Judge,
Court of Small Causes,
(Motor Accident Claims Tribunal),
Chennai.

2.The Section Officer,
VR Section,
High Court, Madras.



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and
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