IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 11.02.2026

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No.3845 of 2025 and
C.M.P. No.32033 of 2025

The Branch Manager,
Shriram General Insurance Company Limited,
D. No.64, Sai Towers, Pidamaneri Main Road,
Dharmapuri Town, Taluk and District. …Appellant

Vs.

1. Devika
2.Govindhammal
3. Kesavan
4.R. Madhankumar … Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the decree and judgment dated 03.10.2023 passed in M.C.O.P. No.456 of 2020 on the file of the Motor Accident Claims Tribunal, Dharmapuri.

For Appellant : Mr. S. Dhakshnamoorthy
For Respondents : Mr.M. Selvam, for R1 to R3
R4 - Notice dispensed with.

JUDGMENT

The appeal is directed against the award dated 03.10.2023 passed in M.C.O.P. No.456 of 2020 on the file of the Motor Accident Claims Tribunal, Dharmapuri.

2. Shortly stated, on 08.09.2020, when the deceased Perumal, as a pillion rider in a two wheeler bearing Registration No.TN 30-T-1551, was proceeding from Ramanaickenpalayam to his house, near Saravana Natukoli Hotel, Thennangudi Palayam, a car bearing Registration No.TN05-BE-9451, coming in the opposite direction, driven by its driver in a rash and negligent manner, hit against the two wheeler in which the deceased was travelling, due to which, the said Perumal sustained injuries and died on the sport.

3. The claimants are the wife and parents of the deceased. They filed a claim petition before the Claims Tribunal for the death of the deceased Perumal, claiming a total sum of Rs,50,00,000/- as compensation.

4. The claim was opposed by the Insurance Company.

5. The learned Tribunal, after trying the issues, vide its order dated 03.10.2023 partly allowed the claim and awarded a sum of Rs.34,01,800/- as compensation to the claimants and directed the appellant / Insurance Company to pay the said amount to the claimants, in the first instance, and then recover the same from the owner of the offending vehicle, as the offending vehicle did not have fitness certificate at the time of accident.

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the Insurance Company, the tribunal erred in fixing the income of the deceased at Rs.17,000/-, without taking into consideration the prevailing wages for the unskilled labour in the region where the deceased carried on his avocation. Hence, prayed for setting aside the award passed by the Tribunal.

7. On the other hand, the learned counsel for the respondents 1 to 3 / claimants would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.

8. Heard on both sides. Records perused.

9. The findings of the learned Tribunal regarding the involvement of the vehicle in question, the negligence of the driver of the offending vehicle, and the deceased having sustained fatal injuries which ultimately resulted in his death, are against the respondents in the claim petition. The claimants have not filed any appeal for enhancement. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

10. Now, the question arises as to whether the Tribunal erred in fixing the monthly income of the deceased at Rs.17,000/- without considering the prevailing wages for the unskilled labour in the region where the deceased carried on his avocation.

11. On a perusal of the impugned order, it is seen that the Tribunal, after

observing that the claimants have not established the income of the deceased, has fixed the monthly income of the deceased at Rs.17,000/-. In the circumstances, this Court deems it fit to fix the income of the deceased at Rs.16,000/-. The age of the deceased was 29 years at the time of accident and hence, the proper multiplier would be 17 and future prospects would be 40%. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.16,000/-

40% Future Prospects = Rs.22,400/-

Loss of dependency

= Rs.22,400/- x 12 x 17-1/3

= Rs.30,46,400/-

The compensation awarded by the Tribunal under the other heads are confirmed.

12. The following tabular column would show the compensation awarded by the Tribunal and the compensation awarded by this Court under various heads.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ reduced (Rs.)
1.	Loss of dependency	32,36,800/-	30,46,400/-	**reduced**
2.	Loss of Consortium	44,000/-	44,000/-	confirmed
3.	Filial consortium	88,000/-	88,000/-	confirmed
4.	Loss of estate	16,500/-	16,500/-	confirmed
5.	Funeral expenses	16,500/-	16,500/-	confirmed
	Total	34,01,800/-	32,11,400/-	reduced by 1,90,400/-

13. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs. Consequently connected miscellaneous petition is closed.

ii.The quantum of compensation awarded by the Tribunal is scaled down to Rs.32,11,400/- from Rs.34,01,800/-.

iii. The appellant/Insurance company is directed to deposit a sum of Rs.32,11,400/- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, at the first instance, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order, to the credit of M.C.O.P. No.456 of 2020 on the file of the Motor Accident Claims Tribunal, Dharmapuri, and then recover the same from the 4th respondent / owner of the offending vehicle. The appellant / Insurance Company is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.

iv. On such deposit being made, the claimants are at liberty to withdraw their share, as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.

11.02.2026

bga

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To

1. The Presiding Officer,
   Exclusive Motor Accident Claims Tribunal, Dharmapuri
2. The Section Officer, VR Section, High Court, Madras.

K.GOVINDARAJAN THILAKAVADI, J.

bga

C.M.A.No.3845 of 2025 and
C.M.P. No.32033 of 2025

11.02.2026