IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

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

CMA No. 1886 of 2025 & CMP.No16466 of 2025

Reliance General Insurance Co Ltd
N. 6, Haddows Road, 6th Floor,
Nungambakkam, Chennai-34. Appellant(s)

Vs

1. Vidhya K
2.Rohith A Krishna
3.Uthra V Krishna
4.Annamalai S.R. Respondent(s)

PRAYER: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment dated 03.09.2024 made in MCOP NO. 5004 of 2022 on the file of MACT (Chief Small Causes Court) at Chennai.

For Appellant(s):	Ms.R.Sree Vidhya
For Respondent(s):	Mr.D.Velu for R1 to R3 R4-Court notice returned (No such person)

JUDGMENT
(Order of the Court was made by N.Sathish Kumar J.)

Challenging the award made in MCOP.No.5004 of 2022 on the file of the Motor Accident Claims Tribunal (Chief Small Causes Court) Chennai, the present appeal has been filed. The appellant herein is the insurer of the offending vehicle and the fourth respondent is the owner of vehicle. The respondents 1 to 3 are claimants.

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

2.a. The deceased was riding a vehicle bearing Reg.No.TN-22-CS-4721 at Manali Expressway, over bridge of Sathangadu Coovam in front of L.P.No1306 TVT/Zone-1, D.N.-6, Ennourr to MFL from east to west direction at about 10.25 am on 17.12.2021, extremely on the left side of the road, a 40 feet trailer bearing Registration No.TN18 AK 7259 which was proceeding on the same direction driven in a rash and negligent manner dashed against the victim's motorcycle. As a result, the deceased succumbed to injuries. The deceased was Marketing Manager in M/s.Sree Arumugam Steel Transport Trader, Chennai who was earning Rs.50,000/- 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 to the negligence of the deceased, who was riding the vehicle without following traffic rules at the time of accident. Before the Tribunal, on the side of the claimants, PW1 and PW2 were examined and Exs.P1 to P25 were marked. On the side of the respondents, none was examined and no documents were marked.

2.c. Based on the material and evidences, the Trial Court awarded the compensation as follows:-

Sl.No.	Heads	Calculation
1	Total loss of dependency	Rs.35,81,600/-
2	Loss of consortium	Rs.1,32,000/-
3	Loss of estate	Rs.16,500/-
4	Funeral expenses	Rs.16,500/-
5	Transport charges including damages to personal belongings	Rs.10,000/-
Total compensation is fixed at		Rs.37,56,600/-

2.d. The Trial Court while fixing the compensation took the monthly income as Rs.40,700/- (after adding 10% future prospects) 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 fourth respondent vehicle has preferred the instant civil miscellaneous appeal.

4. The main contention urged before this Court in the appeal by the learned counsel for the appellant is that at the relevant period of time, Income-

tax returns have not been filed, whereas, income-tax returns relating to 01.04.2019 and 31.03.2020 was filed. Though the Tribunal has rightly taken note that income-tax return for subsequent period is not filed, the Tribunal ought to have reduced the compensation.

5. Heard the learned counsel for the appellant and the learned counsel for the respondents 1 to 3 and perused the materials placed on record.

6. The accident is not in dispute. The age of the deceased was 55 years at the relevant point of time, this is also clearly established and not denied by the appellant. It is clearly stated in the evidence of PW2/eye witness that offending vehicle was driven in a rash and negligent manner and hit the motorcycle of the deceased. We are of the view that the contention of the appellant that the claimants have not filed the subsequent IT returns cannot be countenanced for the simple reason that admittedly, the deceased was succumbed to accident on 17.12.2021 and merely because the claimants being the wife and son could not file the subsequent return, it cannot be said that the deceased is not earning any income from his employment. It is not the case of the Insurance Company that the deceased had left the job and he was not earning at the relevant point of time, therefore, merely on the relevant date, when the income-tax return is not filed, it cannot be said that the deceased did not have any job and earning any

income. In fact, the Tribunal has rightly adopted the income as shown in the Income-tax return for the period of 01.04.2019 – 31.03.2020 (Assessment Year 2020-2021). In this regard, it is relevant to note that the Hon'ble Supreme Court in the case of *Nidhi Bhargava and others vs. National Insurance Company Ltd and others* reported in *2025 SCC OnLine SC 872* in paragraph 13 has held as follows:-

> *"13. The Income Tax Return is a legally admissible document on which the income assessment of the deceased could be made. This Court in Malarvizhi v United India Insurance Co. Ltd., (2020) 4 SCC 228 affirmed that the determination of income must proceed on the basis of Income Tax Return(s), <u>when available,</u> being a statutory document."*
>
> *Emphasis supplied*

7. It is also to be noted that if the deceased would have been alive, he would have filed the Income-tax return for the period 01.04.2020 - 31.03.2021 whereas, the deceased had died due to the accident on 17.12.2021, therefore, expecting subsequent return by the deceased is also highly improbable. In all, this Court finds no infirmity in the award passed by the Tribunal and does not require interference from the hands of this Court.

8. In fine,this Civil Miscellaneous Appeal is dismissed and the judgment and decree dated 03.09.2024 made in M.C.O.P.No.5004 of 2022 on the Motor Accident Claims Tribunal (Chief Small Causes Court) Chennai is confirmed. No costs. Consequently, connected miscellaneous petition stands closed.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
28-01-2026

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

To

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

N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.

dhk

CMA No. 1886 of 2025

28-01-2026