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C.M.A.No.3643 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM:

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

**C.M.A.No.3643 of 2025
and
CMP.No.30283 of 2025**

Reliance General Insurance Company Ltd.,
Dhanam Tower, I Floor,
Binny Main Road, Park Road,
Tiruppur-641 601.

... Appellant

Vs.

1.N.Punitha

2.K.T.Tharneesh (Minor)

3.T.Sanjeev Siddharth (Minor)

4.K.Valliammal

5.T.Madhanraj

6.M.Sivamani

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act as against the Judgment and Decree made in M.C.O.P.No.909 of 2021 dated 29.07.2025 on the file of the Motor Accidents Claims Tribunal, V Additional District Court, Coimbatore.



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C.M.A.No.3643 of 2025

For Appellant : Mr.R.Sunil Kumar

For Respondent : Mr.P.Saravana Sowmiyan
Nos.1 to 4

J U D G M E N T

(Judgment of the Court was delivered by N.Sathish Kumar, J.)

The appellant/third respondent/Insurance Company has focused the instant Civil Miscellaneous Appeal as against the award passed by the learned V Additional District Judge, Motor Accidents Claims Tribunal, Coimbatore in M.C.O.P.No.909 of 2021 dated 29.07.2025.

2. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents 1 to 4.

3. Before the Tribunal, the appellant/Insurance Company is arrayed as the third respondent; the respondents 1 to 4 herein are the claimants, who filed the Claim Petition seeking a compensation of Rs.1,12,00,000/- for the death of one Thirukumar, who died in a motor accident that occurred on 25.08.2019 and the fifth and sixth respondent herein are the driver and the owner of the offending vehicle bearing Registration No.TN-42-M-2224 respectively, which was insured with the appellant/Insurance Company.

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4. The facts of the case is as follows:

a) On 25.08.2019 at about 2.30 p.m., when the deceased Thirukumar was crossing the road at Tiruchy Road which is within the Corporation limit of Coimbatore, the offending vehicle bearing Registration No.TN-42-M-2224, which came from West to East in a rash and negligent manner, dashed against him and he died in the hospital at 4.15 p.m. At the time of the accident, the deceased was 41 years and working as an Associate Professor in Mahalingam College and earned a sum of Rs.63,000/- per month as income. It was stated by the driver of the offending vehicle that the accident had occurred only due to the negligence of the deceased and the Insurance Company took a stand that the deceased had suddenly crossed the road, thereby paved the way for the accident, which resulted in his death.

b) Before the Tribunal, on the side of the claimants, P.W.1 to P.W.3 have been examined and exhibits viz., P1 to P14 were marked, whereas on the side of the Insurance Company, neither any witness has been examined nor any document was marked.

c) The Tribunal, after proper appreciation of the pleadings, oral and documentary evidence, held that the accident had occurred due to the rash



and negligent driving of the driver of the offending vehicle, thereby causing the death of the deceased and awarded compensation to the claimants under the following heads:

S.No.	Heads	Amount
1	Loss of income	Rs.1,03,32,557/-
2	Loss of property	Rs. 18,000/-
3	Loss of love and affection	Rs. 1,92,000/-
4	Funeral expenses	Rs. 18,000/-
5.	Loss of Consortium	Rs. 48,000/-
6.	Medical expenses	Rs. 48,485/-
Total		Rs.1,06,57,000/- (Rounded off)

However, considering the fact that the deceased had crossed the road without any caution, has fixed 15% contributory negligence on him and awarded a sum of Rs.90,59,000/- (rounded off) with 5.5% interest p.a. from the date of petition till the date of realization of the compensation amount, failing which, the amount will carry 7.5% interest and also apportioned the compensation amount to the wife as Rs.40,59,000/-, mother as Rs.10,00,000/- along with proportionate interest and the amount of the minor claimants to the tune of each Rs.20 lakhs which has to be deposited in any one of the nationalised banks till they attain majority.

5. Assailing the said award, the appellant/Insurance Company has preferred the present appeal.



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6. The learned counsel for the appellant/Insurance Company assailed the award passed by the Tribunal on two folds, namely, negligence and quantum. He submitted that crossing of the Highway by the deceased itself shows clear negligence and hence, the Tribunal ought to have fixed the contributory negligence more than 15% on the part of the deceased. He further contended that the income earned by the deceased is shown as Rs.63,000/- per month in the Claim Petition, whereas the Tribunal has fixed the salary at Rs.70,000/- per month for arriving the amount towards loss of income, which is erroneous and the same requires reduction. Thus, he prayed this Court to allow the appeal.

7. We have considered the submissions made by the respective learned counsel and also perused the materials available on record.

8. On perusal of the case records reveals that the accident is not disputed however, challenge is made only as against the quantum arrived by the Tribunal in respect of fixation of the salary as against the income of the deceased shown in the Claim Petition and also with regard to contributory negligence fixed on the part of the deceased. Though the accident took place in the Highway, it is within the Corporation limit of Coimbatore, which is a



crowded place. In fact, it is relevant to refer that the deceased was crossing the road to the other side to reach his vehicle where he had parked, at that time accident had occurred almost when he reached his vehicle. One may say that no person should cross the Highway, but the fact remains that though some places were declared as Highways, they are situated within the crowded area or in the Corporation limit itself. It is quite normal for the common people to cross the crowded place of the road and it is only for the drivers of the vehicle to drive cautiously in such places and in the present case on hand, the accident took place in a crowded area, which is also within the limit of Coimbatore Corporation, hence, the driver of the offending vehicle ought to have driven the vehicle with utmost care so as not to harm anybody. It is pertinent to note from the evidence adduced before the Tribunal that the accident took place when the deceased had almost reached his vehicle which was parked on the other side, while so, the driver of the offending vehicle, who drove it in a rash and negligent manner had dashed against him and he succumbed to the injuries in the hospital on the same day.

9. Considering all the above aspects, We are of the view that the contentions put forth by the learned counsel for the appellant/Insurance Company that the accident took place only due to the negligence on the part of the deceased, who crossed the road in the Highway, but the Tribunal has



fixed the contributory negligence only to 15% on the deceased, is not acceptable and also it is to be noted that the claimants have not filed any appeal as against the award of the Tribunal and therefore, the award passed by the Tribunal, cannot be found fault. At this stage, it is pertinent to mention that neither any witness nor any document was marked on the side of the appellant/Insurance Company to prove the negligence aspect and therefore, the appellant/Insurance Company cannot canvass the aspect of contributory negligence in the appeal merely based on the pleadings in the Claim Petition. Hence, the fixation of the contributory negligence on the part of the deceased at 15% by the Tribunal, in our considered opinion, requires no interference.

10. Insofar as the quantum is concerned, it is not disputed that the deceased was 41 years and also working as an Associate Professor in Mahalingam College which were evidenced through exhibits P12 to P14 and the deposition of P.W.3, who was working as Human Resource Manager in the said College. As per the said documents, it is clearly proved that the deceased was not earning lesser than Rs.70,072/- as income from the College and it is to be noted that since the avocation of the deceased is not disputed and the salary drawn is proved by the officials of the college, the deceased is certainly entitled to the amount arrived by the Tribunal towards the said



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head.

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11. Upon considering all the above aspects and on proper analysis, the Tribunal has passed the award finally to the tune of Rs.90,59,000/- along with interest and also apportioned the compensation amount to the claimants, which does not warrant interference by this Court, as the compensation awarded by the Tribunal is just and reasonable.

12. For the foregoing reasons, the Civil Miscellaneous Appeal is dismissed and the award passed by the learned V Additional District Judge, Motor Accidents Claims Tribunal, Coimbatore in MCOP No.909 of 2021 dated 29.07.2025, is hereby confirmed. Consequently, connected Miscellaneous Petition is also closed. There shall be no order as to costs.

(N.SATHISH KUMAR J.) (R.SAKTHIVEL J.)
08.01.2026

Index: Yes/No
NCC : Yes/No
Order : Speaking

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To

The Motor Accidents Claims Tribunal,
V Additional District Court,
Coimbatore.



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and
R.SAKTHIVEL.J,

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