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CMA Nos.1413 of 2026 & 2600 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA Nos. 1413 of 2026 & 2600 of 2025

AND

CMP No.12632 of 2026

Cause title in CMA No.1413 of 2026:

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

..Appellant / 2nd
respondent

Vs.

1. Sornam
2. Annadurai
3. Vinitha

4. Chiristopher Samuel

..Respondent(s)

Cause title in CMA No.2600 of 2025:

- 1.Sornam
- 2.Annadurai
- 3.Vinitha

..Appellants/Petitioners

Vs.

- 1.Chiristopher Samuel



2.The Branch Manager
Reliance General Insurance Company Ltd.,
No.6, Reliance House, 4th Floor,
Haddows Road, Nungambakkam,
Chennai – 600 006.

...Respondents

Prayer in CMA No.1413 of 2026: This appeal filed under Section 173 of Motor Vehicles Act, 1998, to set aside the order dated 15.10.2024 passed in M.C.O.P.No.559 of 2019 on the file of the Motor Accident Claims Tribunal, Additional District Court (FTC), Kancheepuram.

Prayer in CMA No.2600 of 2025: This appeal filed under Section 173 of Motor Vehicles Act, 1998, to enhance the amount awarded in M.C.O.P.No.559 of 2019 dated 15.10.2024 on the file of the Motor Accident Claims Tribunal, Additional District Court (FTC), Kancheepuram.

For Appellant(s): Mr.P.Suresh Srinivasan
in CMA No.1413 of 2026

Mr.V.Varadha Kamaraj
in CMA No.2600 of 2025

For Respondent(s): Mr.V.Varadha Kamaraj
for R1 to R3 in CMA No.1413 of 2026

Mr.P.Suresh Srinivasan
in CMA No.2600 of 2025 for R2



COMMON JUDGMENT

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(Judgment of the Court was delivered by C.V.Karthikeyan J.)

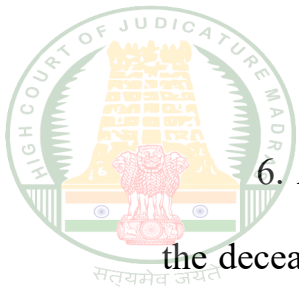
C.M.A.No.1413 of 2026 has been filed by the appellant – Insurance Company against the award dated 15.10.2024 made in M.C.O.P No.599 of 2019 on the file of the Motor Accidents Claims Tribunal, Additional District Court (FTC), Kancheepuram.

2.C.M.A.No.2600 of 2025 has been filed by the appellants – petitioners seeking enhancement of compensation granted by the Tribunal in the award dated 15.10.2024 made in M.C.O.P.No.599 of 2019 on the file of the Motor Accidents Claims Tribunal, Additional District Court (FTC), Kancheepuram.

3.Both the appeals arise out of same accident and same award and hence, disposed of by this common judgment.

4.For the sake of convenience the parties are referred to as per their ranks in the claim petition.

5. The petitioners filed M.C.O.P. No.559 of 2019 claiming a sum of Rs.25,00,000/- as compensation for the death of the deceased, who died in the road accident that took place on 01.01.2019.



6. According to the petitioners, on 01.01.2019 at about 1.40 P.M., while the deceased Vinu was riding his two-wheeler bearing Registration No. TN-60-Q-9163 from Shahin Gobin to Sriperumbudur Road on the extreme left side, observing the traffic rules, a PSV vehicle bearing Registration No. TN-22-BC-8608 belonging to the 1st respondent was driven by him in a rash and negligent manner and dashed against the deceased's two-wheeler, as a result of which, the deceased died at the spot itself. The petitioners contended that the 1st respondent, being the owner/driver of the offending vehicle bearing Registration No. TN-22-BC-8608, and the 2nd respondent, being the insurer thereof, are jointly and severally liable to pay compensation to the petitioners together with interest and costs.

7. The 1st respondent, who is the owner/driver of the offending vehicle, was called absent and was set ex-parte. He has not chosen to contest the petition.

8. The 2nd respondent – Insurance Company has not filed any counter statement and has not chosen to contest the petition. Accordingly, it was also set ex-parte.

9. During trial, on the side of the petitioners, the 1st petitioner Sornam was examined as PW-1, one Ilangovan was examined as PW-2, and one Jaivinoth was examined as PW-3. Exs. P1 to P20 were marked on the side of the



petitioners. On the side of the respondents, no witness was examined and no document was marked.

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10.The Tribunal, considering the pleadings and oral and documentary evidence, held that the 1st and 2nd respondents are jointly and severally liable to pay compensation to the petitioners.

11.Challenging the liability fastened on the Insurance company, as well as the quantum of compensation granted by the Tribunal in the award dated 15.10.2024 made in M.C.O.P.No.559 of 2019, the 2nd respondent-Insurance Company has filed this appeal in C.M.A.No.1413 of 2026.

12.Not being satisfied with the awarded granted by the Tribunal in the award dated 15.10.2024 made in M.C.O.P.No.559 of 2019 the petitioners have filed the appeal in C.M.A.No.2600 of 2025.

13.Heard both sides.

14.The Insurance Company / appellant herein have filed the appeal raising grounds of negligence and on the quantum of the award passed. On the issue of negligence, however, the claimants have examined PW-2 who had



spoken about the nature of the accident. We find no reason to disagree with the said evidence recorded.

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15. So far as the quantum is concerned, the claimants have produced Ex.P12, the copy of the salary certificate which indicated that the deceased was earning a sum of Rs.15,200/- per month and that the deduction of Rs.500/- had been made, which was paid as bus allowance. The Tribunal had fixed the income at Rs.14,700/-. To speak about the salary certificate, the claimants had also examined PW-3 / employer. We would confirm the monthly income determined by the Tribunal, in view of the evidence produced.

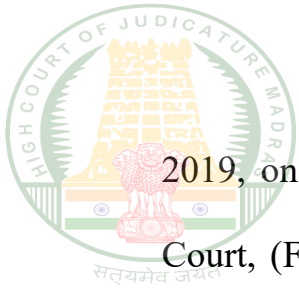
16. One further aspect raised on behalf of the claimants is the grant of consortium of Rs.44,000/-. When there were three claimants namely, the parents and younger sister of the deceased, applying the judgment *Pranay Sethi* reported in **2017 (16) SCC 680**, the consortium of Rs.40,000/- is granted to each one of the three claimants, since three years period has not been completed from the date of the judgment of *Pranay Sethi* referred supra. We would increase that head to Rs.1,20,000/- We would also decrease the other heads of Funeral Expenses from Rs.16,500/- to Rs.15,000/- and Loss of Estate from Rs.16,500/- to Rs.15,000/-.



17. Thus, the compensation awarded by the Tribunal is modified as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of Dependency	Rs.22,22,640/-	Rs.22,22,640/-	Confirmed
2.	Loss of Consortium	Rs.44,000/-	Rs.1,20,000/-	Enhanced
3.	Funeral Expenses	Rs.16,500/-	Rs.15,000/-	Reduced
4.	Loss of Estate	Rs.16,500/-	Rs.15,000/-	Reduced
5.	Transport Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
	Total	Rs.23,09,640/-	Rs.23,82,640/-	Enhanced by Rs.73,000/-

18. In the result, both C.M.A.No.1413 of 2026 & 2600 of 2025 are disposed of. The compensation awarded by the Tribunal at Rs.23,09,640/- is hereby enhanced to Rs.23,82,640/- together with interest at the rate of 7.5% per annum (excluding the default period if any) from the date of petition till the date of realization. The 2nd respondent – Insurance Company is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.559 of



2019, on the file of the Motor Accident Claims Tribunal, Additional District Court, (FTC), Kanchipuram. On such deposit, the petitioners are permitted to withdraw their respective share of the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
08.06.2026

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

To

The Motor Accident Claims Tribunal, Additional District Court, (FTC),
Kanchipuram.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

smv

**CMA No. 1413 of 2026
and
CMA No.2600 of 2025**

08.06.2026