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C.M.A.No.909 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.909 of 2026

&

C.M.P.No.9330 of 2026

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

... Appellant

vs

1. Hemavathy G

2. Gopi V

3. Sham G

4. Azeena Begum

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 30.04.2025 passed in M.C.O.P.No.865 of 2022 on the file of Chief Judge, Court of Small Causes, Chennai.

For Appellant : Mr.G.Vasudevan



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For Respondent : Mr.T.Ramesh Kumar for R1 to R3

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JUDGMENT

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

This appeal had been filed by the appellant Insurance Company against the judgment and decree of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai dated 30.04.2025 in M.C.O.P.No.865 of 2022.

2. The claimants are the parents and brother of the deceased G.Gokula Krishnan. It is the case of the claimants that on 02.02.2022 at about 22.30pm, when the deceased G.Gokulakrishnan was riding his motorcycle bearing Registration No.TN05 BJ 4167 from Korattur to Senthil Nagar Junction on 200 feet road in the south to north direction, a Verna car bearing Registration No.TN06 K 2077 came in a rash and negligent manner from east to west and dashed again the victim's motorcycle, due to which the deceased sustained grievous injuries and died. Hence, the claimants filed a claim petition before the Motor Accident Claims Tribunal, claiming a compensation of Rs.80,00,000/-.



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3. The first respondent, who is the owner of the offending vehicle, remained *ex parte*. Resisting the claim, the second respondent-Insurance Company had filed a detailed counter *inter alia* stating that the accident had not occurred in the manner as projected by claimants and the accident had occurred only due to the rash and negligent driving of the deceased. They further denied the age, occupation and income of the deceased.

4. To prove their claim, before the Tribunal, the claimants examined 2 witnesses and marked 16 documents. On the side of Insurance Company none were examined and no exhibits were marked.

5. On appreciation of materials, the Tribunal, found that the accident had occurred due to the rash and negligent driving of the car bearing Registration No.TN06 K 2077 and held that the 1st respondent being the owner and the second respondent being the insurer of the offending vehicle are jointly and severally liable to pay the compensation to the claimants. The compensation awarded by the Tribunal is as follows:

Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Towards Loss of Income/ dependency	24,19,200/-



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	(Rs.22,400 x 12 x 18 x ½)	
2.	Towards Loss of Estate	16,500/-
3.	Loss of consortium (Rs.44,000/- (each) x 3	1,32,000/-
4.	Loss of Funeral Expenses	16,500/-
5.	Towards Transportation Charges including damages to personal belongings	10,000/-
	Total	25,94,200/-

The said sum was directed to be paid together with interest at 7.5% p.a. from the date of claim petition till the date of realization. Challenging the quantum of compensation awarded by the Tribunal, the present appeal had been filed.

6. The learned counsel for the appellant-Insurance Company submitted that while determining the compensation, the Tribunal has taken a sum of Rs.16,000/- as monthly income for arriving at the loss of dependency, which is on the higher side. It is his further submission that the deceased was not wearing helmet at the time of accident and that therefore, 10% should have been deducted towards contributory negligence.



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7. A perusal of the award, we find that deceased is an unmarried person and was working in Fullerton India (P) Ltd., and was earning a sum of Rs.18,000/- per month. The Tribunal had taken note of dictum laid down by a Division Bench of this Court in *Andal Vs. Avinav Kannan* case reported in **2019(1) TNMAC 54** and fixed the notional income at Rs.16,000/- per month and therefore, there is no infirmity in the same.

8. With regard to the submissions of the learned counsel for the appellant that the deceased was not wearing helmet at the time of accident and that therefore, 10% should have been deducted from the compensation award, no issue was framed or raised before the Tribunal. The appellant had not let in any evidence to prove this particular fact. We do not find any infirmity in the award passed by the Tribunal and the appeal is liable to be dismissed.

Accordingly, the Civil Miscellaneous Appeal is dismissed. The appellant-Insurance Company is directed to deposit the compensation amount with accrued interest and costs within a period of four weeks from the date of receipt of a copy of this Court. On such deposit being made, the claimants are entitled to withdraw the amount by filing an appropriate



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application before the Tribunal. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[C.V.K., J] [K.R.S., J]
08.04.2026

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To

1. The Chief Judge
Court of Small Causes, Chennai
2. The Section Officer
VR Section
Madras High Court



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