



C.M.A.No.404 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.404 of 2026

and

C.M.P.No.4867 of 2026

1.The District Educational Officer,
Having their office at District Educational Office,
Pollachi – 642 001.

2.The Director,
Director of School Education,
Having their office at College Road,
Chennai.

... Appellants

Vs.

1.S.Chitra
2.Minor S.Sivaranjani
3.P.Krishnasamy
4.K.Kaliammal
5.S.Ravikumar

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal (Subordinate Judge), Pollachi, in M.C.O.P.No.75 of 2015, dated 01.09.2025.

Page 1 of 12



C.M.A.No.404 of 2026

For Appellants : Mr.G.Nanmaran
Special Government Pleader

J U D G M E N T

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the Award of the Motor Accident Claims Tribunal (Subordinate Judge), Pollachi, (hereinafter referred to as “the Tribunal” for brevity) in M.C.O.P.No.75 of 2015, dated 01.09.2015, awarding a compensation of Rs.21,18,000/- to the respondents 1 to 4/claimants, the present Appeal has been filed by the owners of the offending vehicle.

2.For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.

3.Brief facts of the case are as follows :

On 17.03.2014 at about 9.30 a.m., when the deceased Selvaraj was travelling in his motor bike bearing Registration No.TN-41-Q-2769 from Vadakipalayam to Gothavadi Thoppu, proceeding towards South to North in Pollachi to Coimbatore Main Road, near Mallupadi Railway Gate, in front of



Magna Company, a Jeep bearing Registration No.TN-41-G-0135 belonging to the appellants and driven by the 5th respondent came in a rash and negligent manner in the opposite direction, i.e., North to South, with very great speed without following the traffic rules and regulations, without blowing horn, and dashed against the motor bike of the deceased. Due to the said impact, the deceased was thrown out of his motor cycle and sustained severe injuries on his vital organs and died in the spot itself. The respondents 1 to 4, being the wife, minor daughter and parents of the deceased, filed a claim petition in M.C.O.P.No.75 of 2015 before the Tribunal, claiming a compensation of Rs.1,18,70,000/- under various heads. It is the contention of the claimants that the deceased was 36 years old at the time of accident and he was a coconut tree maintainer and agricultural coolie by profession and was earning a sum of Rs.30,000/- per month.

4.The 5th respondent/driver of the offending vehicle (Jeep) filed a counter affidavit before the Tribunal contending that the deceased suddenly applied brake and fell on the right side of the road from his motor cycle and due to the sudden fall of the deceased, the 1st respondent was unable to control his vehicle. Therefore, the accident had occurred only due to the



negligence of the deceased.

WEB COPY

5.The 2nd appellant, owner of the offending vehicle (Jeep), filed a counter affidavit before the Tribunal contending that the accident had occurred due to the negligence of the deceased. Besides, they disputed the age and income of the deceased.

6.Before the Tribunal, the claimants examined P.W.1 to P.W.3 and marked Exs.P1 to P18. On the side of the respondents before the Tribunal, R.W.1 was examined, however, no document marked.

7.The Tribunal, on appreciation of entire evidence and materials on record, came to the conclusion that the accident had occurred due to the rash and negligent driving of the driver of the offending vehicle (Jeep). Further, considering the age of the deceased, the Tribunal fixed the notional income of the deceased as Rs.10,000/- and further, by adding future prospects @ 40% and after deducting $\frac{1}{4}$ th towards his personal expenses, and by adopting multiplier method, the Tribunal has awarded a sum of Rs.18,90,000/- towards loss of income. Further, the Tribunal has awarded other amounts



C.M.A.No.404 of 2026

under various other heads as follows :

<i>Head</i>	<i>Amount awarded by the Tribunal</i>
Loss of income	Rs.18,90,000/-
Loss of Consortium for the 1 st petitioner	Rs.48,000/-
Loss of Consortium for the 2 nd petitioner	Rs.48,000/-
Loss of Consortium for the petitioners 3 and 4 each Rs.48,000/-	Rs.96,000/-
Funeral expenses	Rs.18,000/-
Loss of Estate	Rs.18,000/-
Total Compensation	Rs.21,18,000/-

8. Accordingly, the Tribunal awarded a total compensation of Rs.21,18,000/- along with interest at the rate of 7.5% p.a. from the date of claim petition till the date of realisation. Out of the total compensation amount, the Tribunal allotted a sum of Rs.8,18,000/- to the 1st claimant/wife; Rs.7,00,000/- to the 2nd claimant/minor daughter; and Rs.3,00,000/- each to the 3rd and 4th claimants/parents. The Tribunal permitted the 1st claimant/wife to withdraw 50% of the amount awarded to her along with interest and the amount allotted to the 2nd claimant/minor daughter was ordered to be refunded to her on she attaining majority. The claimants 3 and 4/parents were permitted to withdraw the full amounts awarded to them along with interest.



C.M.A.No.404 of 2026

WEB COPY

9.Challenging the Award of the Tribunal, the owners of the offending vehicle have filed the above Civil Miscellaneous Appeal.

10.The main contention of the learned counsel for the appellants is that the accident was due to the sudden application of brake by the deceased. It is relevant to note that P.W.3 has been examined as eye-witness to the accident. He has clearly spoken as to the nature of the accident. He has deposed in his chief-examination that, on the fateful day, he was driving his two-wheeler behind the two-wheeler of the deceased. At that time, the offending vehicle came in the opposite direction in a rash and negligent manner and dashed against the two-wheeler of the deceased, due to which the deceased sustained injuries on his head and all over his body and died on the spot. Though he has admitted that the deceased applied sudden brake and fell on the right side of the road, he has specifically denied the suggestion that the accident had occurred only due to the sudden application of brake by the deceased. Therefore, the Tribunal, on appreciation of evidence, has rightly come to the conclusion that the accident had occurred due to the negligence of the Jeep driver. Even assuming that the contention



of the appellants has some force, we are of the view that, had the Jeep driver maintained a safe speed and distance from the vehicle coming in the opposite direction, the accident could have been avoided. The Tribunal, on appreciation of evidence, has clearly found that the accident was due to the rash and negligent driving of the Jeep driver. Hence, the contention of the appellants in this regard, has no legs to stand.

11. The next contention of the learned counsel for the appellants is that the quantum awarded by the Tribunal, is exorbitant. It is relevant to note that, though the claimants have claimed that the deceased was earning a sum of Rs.30,000/- as agricultural coolie, since there was no proof to that effect, the Tribunal, considering the age of the deceased and by following the dictum of the Division Bench of this Court in *Andal and others v. Avinav Kannan and another* reported in *2019 (1) TNMAC 54*, fixed the notional income of the deceased at Rs.10,000/- per month. Thereafter, the Tribunal has added future aspects @ 40% as per the dictum of the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi and others* reported in *2017 (2) TNMAC 609*, and thereafter, has deducted 1/4th towards the personal expenses of the deceased and thereafter, by applying



the law laid down by the Hon'ble Supreme Court in *Sarala Verma v. Delhi Transport Corporation* reported in *AIR 2009 SC 3104*, has adopted a multiplier of 15 and has awarded a compensation of Rs.18,90,000/- towards loss of income, which, in our view, is just and reasonable and requires no interference.

12.However, as far as loss of consortium is concerned, the Tribunal has awarded a sum of Rs.48,000/- to each of the claimants. Further, the Tribunal has also awarded a sum of Rs.18,000/- towards funeral expenses and loss of estate, each. It is relevant to note that the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi and others* reported in *2017 (2) TNMAC 609*, has fixed reasonable figures on the conventional heads, namely, loss of estate, loss of consortium and funeral expenses as Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. Therefore, we are of the view that the amounts awarded by the Tribunal under these heads are on the higher side. Hence, we are inclined to modify the Award of the Tribunal as follows :



WEB COPY

<i>Heads</i>	<i>Amount awarded by the Tribunal</i>	<i>Amount awarded by this Court</i>	<i>Result</i>
Loss of income	Rs.18,90,000/-	Rs.18,90,000/-	Confirmed
Loss of Consortium for the 1 st petitioner	Rs.48,000/-	Rs.40,000/-	Reduced
Loss of Consortium for the 2 nd petitioner	Rs.48,000/-	Rs.40,000/-	Reduced
Loss of Consortium for the petitioners 3 and 4 each Rs.48,000/-	Rs.96,000/-	Rs.80,000/- (Rs.40,000 x 2)	Reduced
Funeral expenses	Rs.18,000/-	Rs.15,000/-	Reduced
Loss of Estate	Rs.18,000/-	Rs.15,000/-	Reduced
Total Compensation	Rs.21,18,000/-	Rs.20,80,000/-	

13. Accordingly, the total compensation awarded by the Tribunal is reduced by Rs.38,000/- and the modified Award amount arrives at Rs.20,80,000/- (Rupees Twenty Lakhs and Eighty Thousand only). The apportionment among the claimants is modified as follows :

<i>Claimants</i>	<i>Amount apportioned by the Tribunal</i>	<i>Amount apportioned by this Court</i>
1 st claimant/wife	Rs.8,18,000/-	Rs.8,10,000/-
2 nd claimant/ minor daughter	Rs.7,00,000/-	Rs.6,90,000/-
Claimants 3 and 4/ parents	Rs.3,00,000/- each	Rs.2,90,000/- each
Total	Rs.21,18,000/-	Rs.20,80,000/-

14. Except the above modifications, rest of the Award of the Tribunal stands confirmed.



WEB COPY

15. Though the compensation is reduced, we are of the view that notice can be dispensed with in this matter. If notice is sent, it will take further time and delay the process, which will affect not only the claimants, but also cause burden on the Government, insofar as interest component is concerned. Only for that purpose, we have consciously avoided sending notice.

16. We direct the appellants to deposit the modified Award amount of Rs.20,80,000/- (Rupees Twenty Lakhs and Eighty Thousand only), along with interest at the rate of 7.5% p.a., as ordered by the Tribunal, along with costs, within a period of three weeks from the date of receipt of a copy of this order. The claimants are permitted to withdraw the amounts apportioned to them in the manner as directed by the Tribunal. The amount allotted to the 2nd claimant/minor daughter, shall be kept in an interest bearing deposit in any of the Nationalised Bank and shall be disbursed to her, along with accrued interest, on she attaining majority, on making appropriate application before the Tribunal.



C.M.A.No.404 of 2026

WEB COPY

17. Accordingly, this Civil Miscellaneous Appeal is dismissed with the aforesaid modifications, at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (R.S.V., J.)
25.02.2026

mkn

Internet : Yes
Index : Yes / No
Speaking Order / Nonspeaking order
Neutral Citation : Yes

To

1. The Motor Accident Claims Tribunal,
(Subordinate Judge),
Pollachi.
2. The District Educational Officer,
Having their office at District Educational Office,
Pollachi – 642 001.
3. The Director,
Director of School Education,
Having their office at College Road,
Chennai.



WEB COPY



C.M.A.No.404 of 2026

N. SATHISH KUMAR, J.
and
R. SAKTHIVEL, J.

mkn

C.M.A.No.404 of 2026

25.02.2026