IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1261 of 2026
and
CMP No.12144 of 2026

The Divisional Manager,
United India Insurance Company Ltd.
TKM Complex, 46-51, Katpadi Road,
Vellore, 632 004, Vellore District.

..Appellant(s)

Vs

1. Kavitha

2. Minor OVIYA

3. Minor INIYA
   Minor claimants rep by their next friend /
   Mother 1st claimant Kavitha

4. Chitra

5. M/s.Surya Transport
   Rep by prop. Sanepalli Venkata Prasad Reddy,
   No.2/215-9, Sri Ramulapeta, Yerrguntla
   Thumnala Palli, Cuddapah,
   Andhra Pradesh - 516 309.

6. Rajesh

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the award dated 25.04.2025 made in MCOP No. 5 of 2021 on the file of the Motor Accidents Claims Tribunal (I Additional District and Sessions Judge) Vellore.

For Appellant(s): Mr.D.Bhaskaran

For Respondent(s): Mr.C.Prabakaran for R1 to R4

JUDGMENT

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

The second respondent in MCOP No. 5 of 2021, on the file of the I Additional District and Sessions Judge, Motor Accidents Claims Tribunal, Vellore, aggrieved by the judgment dated 25.04.2025 has filed the present appeal.

2.On 24.08.2020 at about 8.00 a.m. near the Police Firing Range Cross Road, G.D.Nellore Mandal, the driver of a lorry bearing Registration No.AP-04-TW-7951 drove the vehicle at a high speed and in a rash and negligent manner, without following traffic rules. He lost control of the vehicle and dashed against the motorcycle bearing Registration No.TN – 23 – AS – 8883 coming from the opposite direction. Due to the impact, one Harish sustained severe bleeding injuries on his back side head, left leg and other parts of the body. He was admitted to the Government Hospital, Chittoor, where he was declared dead. Hence the claimants have filed the claim petition invoking Section 166 of Motor Vehicles Act, claiming Rs.2,50,00,000/-.

3.The claim petition was contested by the Insurance Company stating that the deceased was not wearing helmet at the time of accident and that it was the deceased, whose negligence had resulted in the accident. However, the Tribunal, on considering the oral and documentary evidence, came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the lorry and fixed the negligence on his part and awarded a sum of Rs.1,62,60,000/- as compensation. The amount awarded by the Tribunal is as follows:

Total loss of dependency	::	Rs.1,60,65,000/-
Loss of Consortium	::	Rs. 40,000/-
Loss of love and affection	::	Rs. 1,20,000/-
Loss of Estate	::	Rs. 15,000/-
Transport Charges	::	Rs. 5,000/-
Funeral Charges	::	Rs. 15,000/-
Total	**::**	**Rs.1,62,60,000/-**

4.Aggrieved by the quantum of compensation awarded by the Tribunal, this appeal has been filed by the Insurance Company.

5.Heard learned Counsel appearing for the appellant and learned counsel for respondents 1 to 4.

6.The main ground raised by the learned counsel for the appellant is that income tax has not been deducted from the annual income of the deceased. The learned counsel for the appellant also raised objection about the actual income which had been determined.

7.*Per contra*, the learned counsel for respondents 1to 4 would defend the Award passed by the Tribunal and submitted that the Award may be confirmed.

8.This Court has considered the rival submissions and perused the material on record.

9.The Tribunal had fixed Rs.85,000/- as monthly income based on Exs.P14 to P16, which are salary certificate of the deceased, copy of the payslip of the deceased for the period from July 2019 to August 2020 and copy of the Bank statement and salary transaction details of deceased from July 2019 to August 2020. The learned counsel questioned the veracity of the said documents. But however, we have perused the evidence carefully and we find that the veracity of the documents had not been shattered during the course of cross examination. We would therefore fix the monthly income at Rs.85,000/- even though objection has been raised on behalf of the learned counsel for the appellant. However, the Tribunal has not deducted income tax and we have done the same here. We would delete the compensation granted under the head transport charges. The amounts awarded under the other heads are however confirmed.

10.Accordingly, the compensation awarded under the head 'loss of dependency' is modified as follows:

Annual Income [85,000 * 12]	:	Rs. 10,20,000/-
Add: Future Prospects 40%	:	Rs. 4,08,000/-

		Rs.14,28,000/-
Less: Income Tax **	:	Rs. 2,40,900/-

		Rs.11,87,100/-
Less: Personal expenses [11,87,100*1/4]	:	Rs. 2,96,775/-

		Rs.8,90,325/-
Multiplier		x 15

Loss of dependency	:	Rs.1,33,54,875/-

**[Income Tax Calculation :

Upto Rs.2.50 lakhs tax	-
Rs.2.50 to 5.00 lakhs @ 5%	- Rs. 12,500.00
Rs.5.00 to 10.00 lakhs @ 20%	- Rs.1,00,000.00
above 10.00 lakhs @ 30% on Rs.4,28,000/-	- Rs.1,28,400.00

Tax payable	Rs.2,40,900.00
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11.We would grant the compensation in the following manner:

Loss of dependency	::	Rs.1,33,54,875/-

Loss of Consortium	::	Rs.	40,000/-
Loss of love and affection	::	Rs.	1,20,000/-
Loss of Estate	::	Rs.	15,000/-
Funeral Charges	::	Rs.	15,000/-
Total	**::**	**Rs.1,35,44,875/-**	

12.In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation of **Rs.1,62,60,000**/- awarded by the Tribunal is hereby reduced to **Rs.1,35,44,875**/-. The appellant Insurance Company is directed to deposit the reduced compensation of **Rs.1,35,44,875**/- (Rupees One Crore Thirty Five Lakhs Forty Four Thousand Eight Hundred and Seventy Five only), less the amount already deposited, together with interest at 7.5% p.a. from the date of petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit being made by appellant Insurance Company, the respondents/claimants are permitted to withdraw their respective shares, as apportioned by Tribunal, along with accrued interest and costs, less the amount, if any already withdrawn by them, by filing necessary application before the Tribunal. No costs. Connected miscellaneous petition is also closed.

(C.V.K.,J.) (K.R.S.,J.)
04-06-2026

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

The I Additional District and Sessions Judge,

Motor Accidents Claims Tribunal, Vellore.

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

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