



C.M.A.No.795 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.795 of 2026

The National Insurance Company Limited
No.751, Anna Salai
Chennai – 600 002

... Appellant

vs

1. Lakshmi
2. Muthu
3. Vijay
4. Jonsy Rani (Minor)
5. Sanjay (Minor)
(Minors 4 and 5 are rep.
By their Mother and Next Friend Mrs.Lakshmi)
6. Neela
7. S.Kesavan
8.G.Chakravarthy
9. United India Insurance Co. Ltd.,
Shilingi Building
No.134, Greams Road
Chennai – 600 002

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the award of the Motor Accident Claims Tribunal (II Special Judge, Court of Small Causes) at Chennai in MCOP No.7511 of



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2015 dated 11.08.2025.

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For Appellant : Ms.R.Sree Vidhya

For Respondent : Mr.Amar D.Pandiya
for Caveators / R1 to R6

JUDGMENT

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

This appeal had been filed questioning the quantum of compensation awarded by the Tribunal, particularly the multiplier adopted by the Tribunal while calculating the loss of dependency.

2. The claim petition had been filed by the claimants, who are the wife, children and mother of the deceased P.Srinivasan. When the deceased Srinivasan was proceeding in TVS 50 two wheeler bearing Registration No.TN 22 R 7391 behind a van owned by the first respondent, he suddenly hit the van of the first respondent on its back side and fell down. At that time, the tractor owned by the third respondent came in a rash and negligent manner and ran over the deceased Srinivasan, due to which he died on the spot.



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3. The claim petition was resisted by the Respondents 1 and 2 before the Tribunal stating that only the deceased drove the two wheeler in a rash and negligent manner and dashed against the van, which was stationed and hence, he was only responsible for the accident. Therefore, it was contended that they are not liable to pay any compensation. It is also stated that the compensation claimed under the various heads are exorbitant.

4. Based on the above pleadings, the trial Court framed the following issues:

(i) Whether the accident had occurred due to the rash and negligent driving of the van bearing Registration No.TN 30 A 5276 and the Tractor bearing Registration No.TN 22 CX 4667?

(ii) Whether the respondents are liable to pay compensation?

(iii) Whether the claimants are entitled to get compensation? If so, to what extent?

5. Before the Tribunal, on the side of the claimants, two witnesses were examined as Pws 1 and 2 and Exs.P1 to P16 were marked. On the side



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of the respondents, two witnesses were examined as Dws 1 and 2 and Exs.R1 to R5 were marked.

6. The Tribunal, after considering the evidence placed on record, held that the drivers of the vehicles belonging to Respondents 1 and 3 before the Tribunal were responsible for the accident and fixed 80% liability on the driver of the first respondent and 20% liability on the driver of the third respondent. The Tribunal has also quantified the compensation and awarded a sum of Rs.28,50,480/- together with interest at 7.5% p.a and directed Respondents 2 and 4 therein to pay 80% and 20% compensation respectively. It was also directed that fourth respondent can recover the amount from the third respondent.

7. Aggrieved over the compensation awarded by the Tribunal, the Insurance Company has filed this appeal, particularly questioning the multiplier adopted by the Tribunal

8. The learned counsel for the claimants / respondents is also present.

9. Both sides fairly submitted that the age of the deceased was 42 years at the time of accident, but the Tribunal had erroneously adopted the multiplier “16” and the correct multiplier is “14”.



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10. The learned counsel for the appellant herein/second respondent before the Tribunal, submitted that the Tribunal had granted 40% towards future prospects whereas it should be 25%. If multiplier “14” is applied, 25% future prospects is added and if 1/4 is deducted towards personal expenses, the loss of dependency would be Rs.20,16,000/- (12,800 + 25% - 1/4) x12 x14). The modified compensation amount is as follows:

Sl.No.	Heads	Compensation
1	Loss of Dependency	Rs.20,16,000.00
2	Loss of Consortium	Rs. 2,40,000.00
3	Loss of Estate	Rs. 15,000.00
4	Funeral Expenses	Rs. 15,000.00
	Total	Rs. 22,86,000.00

11. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The compensation of Rs.28,50,480/- awarded by the Tribunal is hereby reduced to Rs. 22,86,000.00 [Rupees Twenty Two Lakhs Eighty Six Thousand only]. Appellant insurance company is directed to deposit 80% of the compensation amount of Rs. 22,86,000.00, less the amount already deposited, together with proportionate interest and cost, within a period of four weeks from the date of receipt a copy of this judgment. On such deposit, claimants 1, 2, 3 and 6 are entitled to withdraw their respective



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share as apportioned by the Tribunal on due application. The share of the minor claimants 4 and 5 shall be deposited in an interest bearing Fixed Deposit in any Nationalized Bank till they attain majority.

12. It is represented that fourth respondent Insurance Company has already 20% of the compensation amount awarded by the Tribunal. The fourth respondent is permitted to withdraw the excess amount deposited on due application. The fourth respondent is also permitted to recover 20% of the compensation amount as per this judgment, from the third respondent. No costs. Consequently, the connected miscellaneous petition is closed.

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

gpa

To
Motor Accident Claims Tribunal
(II Special Judge, Court of Small Causes)
Chennai



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