



WEB COPY

C.M.A.No.165 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.165 of 2026

&

C.M.P.No.1948 of 2026

1. The Branch Manager

Reliance General Insurance Co. Ltd.,
2nd Floor, V.V.Complex
No.260, Avarampalayam Road
New Sidhapudur
Coimbatore, Tamil Nadu – 641 044

2. The Nodal Officer

Reliance General Insurance Co. Ltd.,
No.178, 2nd Floor, 10th Cross Street
Thillai Nagar East, Tiruchirappalli
Tamil Nadu – 620 018

... Appellants

Versus

1. N.Saraswathi

2. R.Parmeswari

3. Minor R.P.Mithunya

(Third respondent is represented by her natural
guardian/mother Ms.R.Parmeswari, second respondent)



C.M.A.No.165 of 2026

4. Siva

5. N.Karthikkumar

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against judgment and decree dated 07.10.2025 made in M.C.O.P.No.112 of 2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur.

For Petitioner : Mr.R.Sree Vidhya

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, the Insurance Company is on appeal before this Court.

2. The parties are referred to by their respective ranks before the Tribunal.

3. The brief facts necessary for disposal of this case is as follows:

On 17.10.2023 at about 09.30pm, the deceased, who was riding a two wheeler bearing Registration No.TN 78 MB 1140 on Udumalai to Palladam Main Road, on the north side of Periyapatti Bridge, dashed against Ashok Leyland Dost bearing Registration No.TN47 AF 3539 parked on the same side as a result of which the deceased collided with the rear side of the

2/7



C.M.A.No.165 of 2026

respondent's vehicle and died on the spot. The deceased was aged about 35 years at the time of accident and he was working as a tailor and was earning a sum of Rs.30,000/- per month. The claimants 1 to 3, who are mother, wife and daughter of the deceased have filed a claim petition seeking compensation.

4. Respondent 3 and 4 resisted the claim stating that there is a violation of policy conditions and therefore, they are not liable to pay the compensation. According to them, the lorry was parked on the extreme left side of the road and it is the deceased, who came at a high speed, lost control and collided with the parked vehicle and he is solely responsible for the accident.

5. On the side of the claimants, PW1 was examined and Exs.P1 to P12 were marked and on the side of the third respondent Insurance Company, RW1 was examined and Exs.R1 to R4 were marked.

6. The Tribunal, after appreciation of evidence of PW1 and the final report filed against the offending driver and considering the probabilities found that negligence is on the part of the driver of the first respondent, who parked the vehicle without observing traffic rules. The tribunal also recorded the fact that the respondents have not examined any witness to show that



C.M.A.No.165 of 2026

there was negligence on the part of the rider of the two wheeler.

WEB COPY

7.As far as the compensation is concerned, the tribunal fixed the notional income at Rs.15,000 and considering the age of the deceased added 40% towards future prospects by following the dictum laid down by Hon'ble **Supreme Court in National Insurance Company Limited Vs. Pranay Sethi and Others** reported in **2017 (2) TANMAC 609 (SC)**. The details of compensation awarded by the Tribunal are as follows:

Sl.No.	Categories of Compensation	Apportioned Amount
1	Annual Income of the deceased as finally arrived by this Court	Rs.1,68,000/-
2	Loss of monetary benefits (loss of dependency) 15 x Rs.1,68,000/-	Rs. 25,20,000/-
3	Loss of Estate	Rs.16,500/-
4.	Funeral Expenses	Rs.16,500/-
5	Medical Expenses incurred towards the treatment for the deceased as per Ex.P7	Rs.92,423/-
6.	Loss of consortium (a) Filial Consortium Rs.44,000 to the 1 st petitioner / mother of the deceased (b) Spouse Consortium Rs.44,000/- to the 2 nd petitioner/wife of the deceased (c) Parental Consortium Rs.44,000/- to the third petitioner / Minor Child of the deceased	Rs.1,32,000
	Total (2+3+4+5+6)	Rs.27,77,423



C.M.A.No.165 of 2026

Questioning the quantum, the Insurance Company is before this Court.

WEB COPY

8. The learned counsel appearing for the appellant Insurance Company would submit that the deceased was not wearing helmet at the relevant point of time. Merely because the deceased was not wearing helmet at the relevant point time, it cannot be inferred that there is contributory negligence on the part of the deceased. When the lorry was parked on the main road without any signal i.e., lights or warning signs, that itself is negligence on the part of the driver of the offending lorry. Therefore, in the absence of any evidence to show that the deceased contributed for accident, we are of the view that the compensation awarded by the Tribunal does not require any interference. The tribunal in fact has fixed only Rs.15,000/- as notional monthly income and applied the multiplier of 15 as the deceased was aged about 36 at the time of accident and added 40% towards future prospects and awarded the above compensation.

9. We are of the view that the impugned award does not require any interference and the appeal is liable to be dismissed.

Accordingly, this Civil Miscellaneous Appeal is dismissed. Appellant Insurance Company is directed to deposit the amount, less the amount already deposited within a period of four weeks from the date of receipt of a



C.M.A.No.165 of 2026

copy of this order. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[N.S.K.,J.] [R.S.V.,J.]
30.01.2026

Index: Yes/No
Neutral Citation: Yes
gpa

To

The Motor Accident Claims Tribunal
Special District Court to deal with MCOP Cases
Tiruppur



WEB COPY



C.M.A.No.165 of 2026
N.SATHISH KUMAR, J.,
AND
R. SAKTHIVEL, J.,

gpa

C.M.A.No.165 of 2026

30.01.2026