



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

CMA No. 1364 of 2025

1. Malliga
2. Masilamani
3. Kavitha

Appellant(s)

Vs

1. A.J.Victor

2.ICICI Lombard General Insurance Co
Ltd.,

G, Ground Floor, Capital Towers, No.

180, Kodambakkam High Road,

Nungambakkam, Chennai-34. Now

Residing at, No. 84/85 Arihant Plaza, I

Floor, Walltax Road, Chennai-1.

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Decree and Award dated 14.09.2017 in MCOP No. 3443 of 2014 passed by the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai

For Appellant(s): Ms.Jayanthi Bhaskar
for Mr.J.Mahalingam

For Respondent(s): Mr.B.Sivakollapan

JUDGMENT

(Judgment delivered by N.Sathish Kumar J.)

Not satisfied with the award made in MCOP.No.3443 of 2014 on the file of the Motor Accident Claims Tribunal/Chief Judge, Court of Small Causes, Chennai, the present appeal has been filed by the claimants seeking



enhancement of compensation. The first respondent is the owner of the vehicle and the second respondent is the Insurance Company.

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2. Brief facts in filing the appeal is as follows:-

2.a. The deceased was riding a vehicle bearing Reg.No.TN-55-Y-3834 from Ayanambakkam to Tiruverkadu near Periya Koladi on 13.06.2014 at about 9.00, at that time, the first respondent vehicle bearing Reg.No.TN-20-AL-7408 was driven by its driver in a rash and negligent manner and while overturning the deceased vehicle from left side, hit the deceased vehicle. As a result, the deceased lost his control, fell down, caught under the rear wheel of lorry and succumbed to injuries. The deceased aged 29 years was working as Supervisor in Nutryes Healthcare Pvt Ltd, who was earning Rs.25,500/- at the time of death and hence, the claimants being the parents and unmarried sister of the deceased have filed the petition claiming compensation.

2.b. It is the contention of the Insurance Company before the Tribunal that accident had occurred solely to the negligence of the deceased, who was riding the vehicle without following traffic rules at the time of accident. The Tribunal framed the following points for consideration:-

- 1) Whether the accident took place due to the rash and negligent driving of the first respondent vehicle's driver?
- 2) Who is liable to pay compensation?



3) What is the compensation amount payable to the petitioners?

2.c. Before the Tribunal, on the side of the claimants, PW1 to PW3 were examined and Exs.P1 to P19 were marked. On the side of the respondents, none was examined and no documents were marked.

2.d. Based on the material and evidences, the Trial Court awarded the compensation as follows:-

Sl.No.	Heads	Calculation
1	Total loss of pecuniary benefits for a period of 17 years	Rs.30,060,000/-
2	Loss of love and affections to the petitioners 1 and 2 at Rs.50,000/- each Loss of love and affection to the 3 rd petitioner	Rs.1,00,000/- Rs.25,000/-
3	Transport Charges	Rs.5,000/-
4	Funeral expenses	Rs.25,000/-
Total compensation is fixed at		Rs.32,15,000/-

2.e. The Trial Court while fixing the compensation took the monthly income as Rs.20,000/-, and applied the multiplier as per the age of the deceased and considering other aspects, awarded the compensation.

3. Not satisfied with the compensation and seeking enhancement of



compensation, the claimants have preferred the instant civil miscellaneous appeal.

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4. The only contention of the claimants is that the deceased was B.E. Graduate and earning a sum of Rs.25,500/-, Director of the Company was also examined as PW3 in this regard, however, the Tribunal has fixed the monthly income at Rs.20,000/-, therefore, according to the appellants, the Tribunal ought to have taken the monthly salary of the deceased at Rs.25,500/-. Hence, seeks enhancement.

5. Heard the learned counsel for the appellants as well as the learned counsel for the second respondent and perused the materials placed on record.

6. The place, date, time and manner of the accident are not in dispute. Though Ex.P7 salary certificate said to have been issued by the Nutryes Healthcare Pvt Ltd claiming that the deceased was drawing a salary of Rs.25,500/-, when PW3/Director of Nutryes Healthcare Pvt Ltd was examined before the Tribunal, absolutely there is not evidence whatsoever placed has been placed to show when the deceased was working in their company and no details of ESI, PF and identity card of the deceased was placed and in fact, PW3 has feigned ignorance as to when the deceased joined the office, however, he has

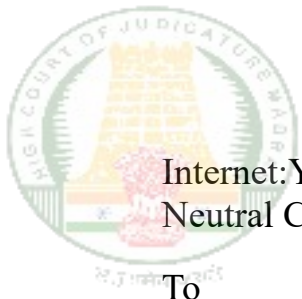


also clearly admitted that there is no PF account, ESI Account though there are 40 persons working in this company. Therefore, merely, on the basis of one certificate which is not substantiated by any corresponding document, the salary of the deceased as indicated in Ex.P7 cannot be true and cannot be taken as true. In fact, the Tribunal has taken into note that evidence of PW3 is not supported by any of the documents such as ESI and PF particulars, however, fixed the salary of the deceased at Rs.20,000/- based on the age, educational qualification and wages fixed by the Labour Department. We are of the view that the Tribunal was right in taking into consideration of the gross salary and had applied correct multiplier and has awarded the compensation. Though, the Tribunal has fixed 50% future prospects, the same is not challenged by the Insurance Company, therefore, we do not want to disturb the same. In such view of the matter, we do not find any merits in the appeal.

7. In fine, this Civil Miscellaneous Appeal is dismissed and the judgment and decree dated 14.09.2017 made in M.C.O.P.No.3443 of 2014 on the file of Motor Accident Claims Tribunal/Chief Judge, Court of Small Causes, Chennai is confirmed. No costs.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
24-02-2026

dhk
Index: Yes/No
Speaking/Non-speaking order



CMA No. 1364 of 2025



Internet: Yes

Neutral Citation: Yes/No

To

1. The Chief Judge
Motor Accident Claims Tribunal/Court
of Small Causes, Chennai

2. The Section Officer
VR Section, Madras High Court



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AND
R.SAKTHIVEL J.**

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