IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 850 of 2026
and
CMP No.8961 of 2026

Reliance General Insurance Co. Ltd.,
No.13, 5th Floor, Chennai City Centre,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600004.

..Appellant(s)

Vs.

1. Mohana
2. Sakthi
3. Keethana (Minor)

Ranjini (died)

..Respondent(s)

The Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order dated 21-08-2025 passed in MCOP.No.598 of 2024 on the file of the MACT Chief Judge, Small Causes Court, Chennai.

For Appellant(s): Mr.P.Suresh Srinivasan

JUDGMENT

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

This Appeal is taken up for hearing at the time of admission itself, without issuing notice to the respondents.

2.This Appeal has been filed by the appellant – Insurance Company against the award dated 21.08.2025 made in MCOP No.598 of 2024 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

3.The petitioners filed M.C.O.P.No.598 of 2024, claiming a sum of Rs.95,00,000/- as compensation for the death of one Thangaraju, who died in the road accident that took place on 21.10.2023.

4.According to the petitioners, on 21.10.2023 at about 12.30 hours, while the deceased, Thangaraj, was riding a Motorcycle bearing Registration No.PY-02-L-6313, proceeding in front of Avin Booth, Ezhilagam, Chennai, another Motorcycle bearing Registration No.TN-01-BQ-0113 was driven in a rash and negligent manner and dashed against the victim's motorcycle. As a result, the victim sustained grievous injuries all over the body and died on 08.11.2023. The petitioners further claimed that at the time of accident, the deceased was aged 48 years. He was a Driver at State Planning Commission Office, Chennai and earning Rs.49,436/- per month. The petitioners contended that the 1st respondent being the owner of the offending vehicle and the 2nd respondent being the insurer are liable to pay compensation as prayed for with costs.

5.The 1st respondent, who is the owner of the offending vehicle, died.

6.The 2nd respondent – Insurance Company filed counter affidavit and denied the validity of vehicle records, the driving license of the driver and the insurance coverage of 1st respondent's vehicle. They claimed that the accident had occurred solely due to the rash and negligent act of the deceased, who drove the Motorcycle without wearing helmet and without driving license, violating the Motor Vehicles Act. It was therefore contended that the 2nd respondent was not under liability to compensate for the death. The age, income and dependency of the deceased were denied. The compensation amount and interest claimed by the petitioners were stated to be highly excessive and it was prayed that the claim petition should be dismissed against the 2nd respondent.

7. Before the Tribunal, on the side of the petitioners, the 1st petitioner examined herself as PW-1 and marked Exs.P1 to P19. On the side of the respondents, no witness was examined and no document was marked.

8. On the basis of the pleadings, the Tribunal framed the following issues:

1. Whether the accident had occurred due to the rash and negligent riding of the 1st respondent's vehicle by its rider?

2.Whether the respondents are liable to pay compensation?

3.Whether the petitioners are entitled for compensation? If so, what is the quantum of compensation?

9.On the basis of the oral and documentary evidence, the Tribunal held that the accident had taken place only due to the rash and negligent driving of the 1st respondent. It is not in dispute that the 1st respondent's vehicle was not insured with the 2nd respondent at the time of the accident and therefore, held that the 1st respondent being the owner and the 2nd respondent being the insurer of the offending vehicle are jointly and severally liable to pay compensation to the claimants for the death of the deceased. The Tribunal granted the following compensation:

Loss of Income /Dependency Rs.6,99,292 x 13 x 2/3	-	Rs. 60,60,531/-
Loss of Estate	-	Rs. 16,500/-
Loss of Consortium Rs.44,000/-	-	Rs. 1,32,000/-
Funeral Expenses	-	Rs. 16,500/-
Transportation Charges including damages to personal belongings	-	Rs. 10,000/-
Total		**Rs.62,35,531/-**
Rounded off to		Rs. 62,35,600/-

10.Aggrieved over the said judgment, the appellant Insurance Company is before this Court.

11.Heard the learned counsel for the appellant.

12.The deceased was a driver in State Planning Commission Office, Chepauk, Chennai and was earning Rs.49,436/- per month. Ex.P11 had been filed relating to the salary of the deceased. The Tribunal had examined the Income Tax slab and had deducted the same.

13.The only issue raised in the appeal is about addition of 30% towards future prospects. The Tribunal had relied on the judgment of ***Pranay Sethi and others reported in 2017 (2) TNMAC 609 (SC)***.

14.We have perused the said judgment, wherein for a permanent employee, for an age group between 40 to 50, the future prospects was fixed at 30%. The deceased in this case was aged 48 years. Hence, we find that adding 30% towards future prospects is justifiable. Except this ground, no other ground had been raised. We also find that the compensation awarded by the Tribunal is just and reasonable and does not require interference by this Court.

15.Accordingly, this Civil Miscellaneous Appeal is dismissed, confirming the award dated 21.08.2025 in M.A.C.T.O.P.No.598 of 2024 passed by the MACT, Chief Judge, Court of Small Causes, Chennai. Though we confirmed the award of the Tribunal, if ever any objection or independent appeal had been filed by the claimant, the same will be heard independent of this order.

16.The appellant Insurance Company is directed to deposit the compensation amount of Rs.62,35,600/-, less the amount already deposited, together with interest at 7.5% p.a. and costs from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, claimants are entitled to withdraw their respective shares, as apportioned by Tribunal, together with interest, on due application. No costs. Consequently, the connected miscellaneous petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
16-04-2026

smv

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

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

smv

CMA No. 850 of 2026

16-04-2026