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CMA No. 1798 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA No. 1798 of 2021

The National Insurance Co Ltd
No.45, 1st Floor , Moore St, Chennai, Branch
Office At Trunk Road Poonamallee, Chennai- 600
056.

..Appellant(s)

Vs

1. Jeenath Beevi
W/o.Late Hayath Basha,
2. Mohamed Ibrahim
S/o.Late Hayath Basha,
3. Minor Reshma Begum
W/o.Late Hayath Dasha,
4. K/arumugam
S/o. Kasi,

..Respondent(s)

PRAYER:- This Civil Miscellaneous Appeal has been filed under Sec.173 of Motor Vehicle Act,1988 to scale down the Award that has been passed by the III Addl. Dist Judge Motor Accident Claims Tribunal at Poonamallee,

For Appellant(s): Ms.R.Sree Vidhya

For Respondent(s): Mr.A.G.F.Terry Chella Raja
for (RR1 to 3)
A.Subadra
(R3 Minor Rep By R1)



JUDGMENT

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This Civil Miscellaneous Appeal has been filed challenging the Award passed by the Additional District Judge III, Motor Accident Claims Tribunal at Poonamallee.

2. Heard Ms.R.Sree Vidhya, learned counsel appearing on behalf of the appellant and Mr.A.G.F.Terry Chella Raja learned counsel appearing on behalf of the respondents 1 to 3

3. Learned counsel for the appellant would submit that a Claim Petition had been filed by the respondents 1 to 3 seeking compensation for the fatal accident that had been caused by the fourth respondent vehicle which was insured with the appellant. She would submit that the Tribunal had wrongly adopted a multiplier of 11 taking the age of the deceased to be 52 years, whereas the Family Card issued would indicate that the deceased was aged 45 years in 2005 and also the Voters ID card would also show the date of birth of the deceased to be in the year 1960. As of the date of the accident in the year 2016, the deceased would be aged 56 years and therefore, the Tribunal should have only adopted a multiplier of 9 and not 11 and therefore, had also sought to take on record the aforesaid documents, further, to determine the age and reduce



the multiplier Awarded by the Court. In that aspect it had also taken out a Miscellaneous Petition. Hence, the learned counsel for the appellant seeks indulgence with the order passed by the Tribunal.

4. Countering his arguments, Mr.A.G.F.Terry Chella Raja, learned counsel appearing on behalf of the respondents would contend that the age of the petitioner had been duly proved before the Tribunal and only upon which the well reasoned Award came to be passed. Without confirming the age of the deceased, the appellant had attempted to put forth the documents which they ought to have filed during the course of the trial of the Claims Petition and no reasons have also been attributed for receipt of the additional documents to dislodge the well considered findings of the Tribunal and hence, he seeks dismissal of the Appeal.

5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. To drive home the contention that had been raised disputing the age of the deceased, no documents whatsoever had been relied upon by the appellant during the trial, however, an attempt has been made to bring out the documents by filing an application to receive them on record. A perusal of the affidavit filed in support of the said application does not disclose any reasons why it has



not been attempted to have been brought on record before the trial allowing the learned Trial Judge to pass an Award based upon the materials available before it. It is further to be noted that the respondents 1 to 3 had pleaded that the deceased was running a Provisional Stores and earning a monthly income. But, however the Tribunal had fixed his income at Rs.300/- per day treating him as a manual labourer and arrived at an income of Rs.9,000/- per month and also deducted 1/3rd towards the personal expenses. The Tribunal had also not considered the increase in the earning capacity of the deceased while computing the compensation. As the Tribunal had failed to compute the future earning capacity of the deceased, this Court is not inclined to interfere with the Award. It is needless to say that the appellant has also not substantiated the reasons to receive the additional documents to entertain the Appeal.

7. For the aforesaid reasons, the present Civil Miscellaneous Appeal fails and is accordingly, dismissed. However, there shall be no order as to costs.

13-03-2026

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

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K.KUMARESH BABU, J.

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