BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2026

CORAM:

THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL

C.M.A(MD)Nos.611 of 2022
and
CMP (MD) No.5266 of 2022

Branch Manager
Reliance General Insurance Company Limited
Sri Lakshmi Complex,
First Floor, Bharathi Street,
Omalur Main Road,
Swarnapuram,
Salem District. ... Appellant

Vs.

1. Saroja

2. Karthikeyan (Died)
3. Amarnath
4. Sumithra

5. P.Mohan
6. Gowri Karthikeyan
7. K. Vinitha ... Respondents
(R6 & R7 are brought on record as Lrs
vide order dated 21.11.2025)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the judgment and decree passed in MCOP.No.5505 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Judge),Tiruchirappalli dated 29.10.2021.

For Appellant : Ms.K.R.Shivashankari

For Respondents : Mr.R.Yamuna for R1, R3 and R4

J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

The insurance company has filed the present appeal against the award passed by the Motor Accident Claims Tribunal (Special District Judge), Tiruchirappalli, dated 29.10.2021.

2. The respondents 1 to 4 are the claimants and they filed the claim petition on the ground that the deceased, Ganesan, who was the

husband of the first respondent and the father of respondents 2 to 4, was riding a two-wheeler on 20.07.2013 and when the vehicle was coming near Rail Nagar, Ariyamangalam at about 21.50 hours, the offending vehicle which is the tanker lorry was driven in a rash and negligent manner and it hit the two-wheeler from behind and as a result, the rider of the two-wheeler was thrown off the vehicle and sustained grievous head injuries and multiple injuries all over the body. He was taken to the hospital but however he succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal fixed the total compensation payable at Rs.35,31,290/- and deducted 20% towards contributory negligence and thus fixed the total compensation at Rs. 28,25,032/- to be paid along with interest.

4. Aggrieved by the above award, the insurance company has filed the present appeal mainly on the ground that the Tribunal erred in computing the loss of income by not applying the split multiplier. According to the insurance company, the deceased was aged about 58 years and he had only two years of service left out and hence, the Tribunal ought to have applied the split multiplier.

5. The ground that has been taken by the insurance company is unsustainable and useful reference can be made to the latest judgment in ***Preetha Krishnan & Ors., v. United India Insurance Ltd.,*** reported in ***2026 (1) TN MAC 145***. The Tribunal was perfectly right in rejecting the claim made by the insurance company for applying the split multiplier.

6. We have carefully gone through the award passed by the Tribunal and we find that the findings have been rendered by the Tribunal is based on appreciation of evidence and the compensation fixed by the Tribunal is also just and reasonable. Therefore, it does not warrant interference by this Court.

7. In the result, this Civil Miscellaneous Appeal stands dismissed. The entire amount has already been deposited when this Court entertained this appeal. Hence, the same can be permitted to be withdrawn along with the accrued interest based on the apportionment made by the Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

[N.A.V., J.] **[P.D.B., J.]**
12.03.2026

NCC :Yes/No
Index :Yes/No
PKN

To

1.Motor Accident Claims Tribunal
(Special District Judge),
Tiruchirappalli.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.

PKN

C.M.A(MD)No.611 of 2022

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