



C.M.A(MD)No.280 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No.280 of 2025
and
CMP (MD) No.4904 of 2025
and
Cross Objection (MD) No.28 of 2025**

C.M.A(MD)No.280 of 2025

United India Insurance Company Limited
Rep. by its Branch Manager
Office, 52, South Masi Street,
Madurai.

... Appellant

Vs.

1. Selvamani
2. Mohanraj
3. Parimala
4. The Manager,
Sri Gayathiri Colors,
37/3, Uzhavan Street,
NGGO Colony,

1/10



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Erode Town and District.

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award dated 29.10.2025 passed in MCOP No.16 of 2023 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Sivagangai and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of this case and render justice.

For Appellant : Mr.K.Jeyamohan

For Respondents : Mr.S.Pugalendi for R1 to R3
R4 – No appearance

Cross Objection (MD) No.28 of 2025

1. Selvamani

2. Mohanraj

3. Parimala

... Cross Objectors

Vs.

1. United India Insurance Company Limited
Rep. by its Branch Manager
Office, 52, South Masi Street,
Madurai.



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2.The Manager,
Sri Gayathiri Colors,
37/3, Uzhavan Street,
NGGO Colony,
Erode Town and District.

... Respondents

PRAYER:- Cross Objection filed under Order XLI Rule 22 of CPC, to enhance the compensation award to cross objection and set aside in CMA(MD) No.280 of 2025 as against the order passed in MCOP No.16 of 2023 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate) Sivagangai on 29.10.2024.

For Appellant : Mr.S.Pugalendi

For Respondents : Mr.K.Jeyamohan for R1

J U D G M E N T

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

This appeal has been filed by the insurance company aggrieved by the award passed by the Motor Accident Claims Tribunal (Chief Judicial Magistrate) Sivagangai, in MCOP No.16 of 2023, dated 29.10.2024.

3/10



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2. The cross objection has been filed by the claimants, seeking for enhancement of compensation.

3. The case of the claimants is that the deceased was riding his two-wheeler on 27.10.2022 at about 4 PM, when he was nearing Sathya Barathi School, the offending vehicle was driven in a rash and negligent manner from the opposite side and it dashed the two-wheeler, as a result of which the deceased sustained serious injuries and died on the spot.

4. The claimants are the wife and children of the deceased.

5. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle, which is a Jeep. Having rendered the said finding, the Tribunal proceeded to fix the compensation under various heads as follows:



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1.	Loss of dependency	Rs.	24,20,000/-
2.	Loss of Estate	Rs.	15,000/-
3.	Funeral Expenses	Rs.	15,000/-
4.	(for 1 st Petitioner/Wife) consortium	Rs.	40,000/-
5.	(for 2 nd Petitioner) Parental consortium	Rs.	40,000/-
6.	(for 3 rd Petitioner) Parental consortium	Rs.	40,000/-
	Total	Rs.	25,70,000/-

6. The insurance company has challenged the award both on the ground of negligence as well as the quantum qua the fixation of the annual income of the deceased. The claimants have filed cross objection and questioned the award insofar as the fixation of the annual income by the Tribunal as Rs.3 lakhs per year instead of Rs.4 lakhs per year.

7. The learned counsel for the appellant insurance company submitted that the FIR that was registered against the driver of the offending vehicle was closed as mistake of fact and therefore, the claimants had not substantiated that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle.



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8. On carefully reading the evidence, it is seen that the Tribunal has taken into consideration the evidence of PW2 and RW1, who spoke about the incident. PW2 is an eyewitness and RW1 was the driver of the offending vehicle. On considering the same, the Tribunal came to the conclusion that the entire negligence was attributable only as against the driver of the offending vehicle. This finding rendered by the Tribunal is on assessment of facts and this Court does not find any perversity in the said finding warranting interference of this Court.

9. The next issue is regarding the annual income fixed by the Tribunal. The Tribunal had taken into consideration Ex.P9 and Ex.P10, which are the income tax returns of the deceased and fixed a sum of Rs.3 lakhs as annual income.

10. The learned counsel for the appellant insurance company submitted that the income tax returns are self-serving documents, which are declarations made by a person regarding the income. Therefore, the same cannot be acted upon. The learned counsel submitted that at the



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best, the Tribunal should have fixed the annual income only at Rs. 15,000/- per month by considering the inflation index.

11. Per contra, the learned counsel for the claimants submitted that the income tax return for 2019 – 2020 showed that the total annual income was Rs.3,01,800/-. Ex.P10 pertains to the assessment year 2020–21 wherein the total income was shown as Rs.4,15,020/-. Therefore, the Tribunal ought to have taken the annual income at Rs.4 lakhs.

12. In the considered view of this Court, the Tribunal has considered both the exhibits and has fixed the annual income at Rs.3 lakhs as a via media. This exercise done by the Tribunal does not suffer from any illegality warranting the interference by this Court.

13. The compensation fixed under the other heads is also reasonable and it does not warrant the interference of this Court.



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14. In the result, the award passed by the Motor Accident Claims Tribunal (Chief Judicial Magistrate) Sivagangai, in MCOP No.16 of 2023, dated 29.10.2024, is hereby confirmed and both the appeal and the cross objection stand dismissed. Since the award amount has already been deposited along with accrued interest, as per the interim order passed by this Court on 24.03.2025, it will be left open to the claimants to withdraw the amount as per the apportionment fixed by the Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

[N.A.V., J.] [K.K.R.K., J.]
27.03.2026

NCC :Yes/No
Index :Yes/No
PKN



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To
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1. The Motor Accidents Claims Tribunal
(Chief Judicial Magistrate), Sivagangai.

2. United India Insurance Company Limited
Rep. by its Branch Manager
Office, 52, South Masi Street,
Madurai.

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



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N. ANAND VENKATESH,J.

AND

K.K.RAMAKRISHNAN,J.

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