



C.M.A(MD) No.634 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.06.2026

CORAM:

**THE HONOURABLE MR JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD) No.634 of 2026
and
C.M.P(MD) No.6603 of 2026**

Reliance General Insurance Company Limited,
Having Office at 2nd floor,
Shri Abirami Towers,
Door No.43B, Cowly Brown Road,
R.S.Puram,
Coimbatore – 641 002.

... Appellant

-VS-

1.Karthipriya

2.Minor.Adhishesan

3.Minor.Ajith Kumar

(Minor Respondents 2 & 3 are represented
by their mother and natural guardian, the first
respondent herein)

4.R.Sankarapandi

... Respondents



C.M.A(MD) No.634 of 2026

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.No. 03 of 2021 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sivakasi dated 05-09-2024 and allow the civil miscellaneous appeal.

For Appellant : M/s.K.R.Shivashankari

ORDER

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

This Civil Miscellaneous Appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Subordinate Court, Sivakasi in M.C.O.P.No.03 of 2021, dated 05.09.2024.

2. The first respondent is the wife and the second and third respondents are the children of the deceased Ganesan. The case of the claimants is that the deceased was working as a machine operator in a private concern and on 02.05.2019, after office hours, when the deceased was returning in a two-wheeler, the offending vehicle, which was a lorry



C.M.A(MD) No.634 of 2026

WEB COPY

and which was coming from the opposite direction, was driven rashly and negligently and hit the two-wheeler, as a result of which the deceased was thrown out of the vehicle and sustained grievous injuries and ultimately died on 05.05.2019. An FIR came to be registered against the driver of the offending vehicle in Crime No.282 of 2019. It is under these circumstances that the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances and on appreciation of the 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.

4. Having rendered such a finding, the Tribunal fixed the total compensation amount at Rs.26,98,672/- under various heads as follows:

Particulars	Rupees
Loss of income	25,08,672/-
Consortium for the 1 st respondent	48,000/-
Consortium for the respondents 2 and 3 (2*Rs.48,000/-)	96,000/-
Funeral expenses	18,000/-



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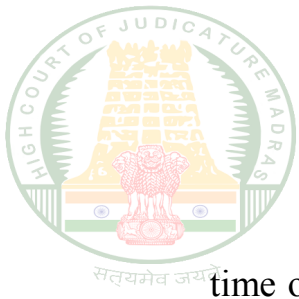
C.M.A(MD) No.634 of 2026

Loss of Estate	18,000/-
Transport Charges	10,000/-
Total	26,98,672/-

5. The said compensation amount was directed to be paid along with interest at the rate of 7.5% per annum.

6. The learned counsel for the appellant / Insurance Company mainly questioned the quantum that was fixed by the Tribunal under the head of loss of income. The learned counsel submitted that the accident had taken place in the year 2019 and the Tribunal had fixed the monthly income at Rs.14,000/- without any proof of income and had also added future prospects at the rate of 40% and thereby, the total monthly income was arrived at Rs.19,600. The learned counsel submitted that such fixation of monthly income is clearly on the higher side.

7. We have carefully considered the submission of the learned counsel for the appellant and also the findings of the Tribunal in this regard. The Tribunal had considered the fact that the deceased, at the



C.M.A(MD) No.634 of 2026

WEB COPY

time of the accident, was aged about 34 years. The Tribunal had applied the cost of inflation index while determining the monthly income by relying upon the judgment of this Court in *Andal and others Vs. Avinav Kannan and others reported in 2019(1) TNMAC page 54*. Insofar as the future prospects are concerned, the Tribunal has relied upon the judgment of the Apex Court in *National Insurance Company Limited Vs. Pranay Sethi and others reported in CDJ 2017 SC page 1220*. Thus, the monthly income was fixed at Rs.14,000/- and the future prospects were added at the rate of 40% and the total monthly income was fixed at Rs. 19,600/-. This Court does not find any illegality in the fixation of such monthly income by the Tribunal, more particularly considering the fact that the claimants are the wife and two young children of the deceased. It is certainly not on the higher side warranting the interference of this Court. Insofar as the compensation that has been fixed under the other heads is concerned, the same is reasonable and does not warrant the interference of this Court.



C.M.A(MD) No.634 of 2026

WEB COPY

8. Hence, this Court does not find any ground to entertain this appeal and accordingly, the same is dismissed. There shall be a direction to the appellant / Insurance Company to deposit the entire compensation amount along with accrued interest within a period of eight (8) weeks from the date of receipt of a copy of this order. On such deposit, the claimants are entitled to withdraw the same in the manner indicated by the Tribunal.

9. In the result, this Civil Miscellaneous Appeal is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

[N.A.V., J.]

[K.K.R.K., J.]

02.06.2026

Indu

NCC :Yes/No

Index : Yes/No

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C.M.A(MD) No.634 of 2026

N.ANAND VENKATESH,J.
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K.K.RAMAKRISHNAN,J.

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C.M.A(MD) No.634 of 2026

02.06.2026