



C.M.A(MD)No.737 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2026

CORAM:

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

C.M.A(MD)No.737 of 2023
and CMP (MD) No.10199 of 2023

The Branch Manager,
National Insurance Company Limited
2nd Floor, CSX Towers,
Stock Exchange Building,
No.684 Trichy Road,
Coimbatore

Appellant

Vs

1. V.Umamaheswari

Velmurugan (died)

2.Sabari Devi

3.R.Kalaivani

Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Tribunal of MACT cum Additional District Judge, Karur made in M.C.O.P.No.65 of 2019 dated 22.12.2022.

For Appellant(s): Mr. V.Sakthivel

For Respondent(s): Mr.K.Sudalaiyandi

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J U D G M E N T

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

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal Additional District Judge, Karur in M.C.O.P.No.65 of 2019 dated 22.12.2022.

2. The first claimant/first respondent is the mother. The 2nd claimant was the father and on his demise, the 2nd respondent herein, who is the sister of the deceased Arunraj, was impleaded. On 18.12.2015, at about 6.45 p.m., while the deceased Arunraj was riding in his two wheeler after attending his personal work, at Karur – Trichy, NH67 Main Road from east to west, the offending vehicle, which is a lorry was driven by the third respondent in a rash and negligent manner and it was coming in the same direction and hit the rear side of the two wheeler. As a result, the deceased was thrown out of the vehicle and had sustained serious injuries and died on the spot. An FIR came to be registered in



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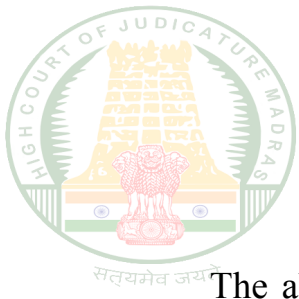
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Crime No.452 of 2015 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the tribunal.

4. 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 driver of the offending vehicle.

5. Having rendered the above finding, the Tribunal fixed the total compensation of Rs.1,58,13,924/- under the following heads:

Head	Amount
Loss of future income	Rs. 1,56,93,924/-
Loss of consortium	Rs. 80,000/-
Loss of estate	Rs. 15,000/-
Funeral expenses	Rs. 15,000/-
Transportation	Rs. 10,000/-
Total	Rs.1,58,13,924/-



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The above compensation was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization.

6. The learned counsel for the appellant mainly focussed his argument on the quantum of compensation that was fixed by the tribunal and particularly under the head of loss of income. The learned counsel submitted that the deceased was working at Malaysia till June 2015 and had returned back to India. At the time when the accident took place in December 2015 there was no existing employment except for extension of permit and therefore, the tribunal ought not to have fixed the monthly income based on what was earned by the deceased when he had a job at Malaysia prior to June 2015. The further ground raised is that the tribunal added the bonus also along with monthly income and thereby an excessive monthly income has been fixed by the tribunal.

7. Per contra, the learned counsel for the claimants submitted that the tribunal had taken into consideration the entire documentary



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evidence that was marked to substantiate the qualification and employment of the deceased prior to his demise and therefore the finding of the tribunal does not suffer from any perversity and also interference of this Court.

8. We have carefully considered the submissions and the materials available on record.

9. The tribunal had taken into consideration Ex.P19 to Ex.P44, which established the fact that the deceased was working in Malaysia and he was drawing a salary of RM6000 before his demise. The contention raised on the side of the appellant is that the deceased returned back to India during June 2015 and there was no live employment during December 2015 and therefore, the tribunal ought not to have considered the income earned prior to June 2015.

10. We are not convinced with the above contention raised on the side of the appellant.



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11. The overwhelming documentary evidence shows that the deceased was gainfully employed at Malaysia and he had come back to India during the interregnum period, when the work permit was extended and he was about to join back at Malaysia pursuant to the extension of work permit. It cannot be said that the deceased was not in job at the time of accident and it is an usual practice for those working in foreign countries to get extension of work permit periodically and they continue to work in the same establishment for fixed periods.

12. The tribunal has taken the pains to go through each and every exhibit and concluded that the deceased was in fact employed at Malaysia and the monthly income was also fixed based on those documents.

13. The other ground raised by the learned counsel for the appellant is that the tribunal had included the bonus that was received by the deceased along with the monthly income. There is some force in the



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submission. Bonus is not received every month, but, however the tribunal has added a sum of Rs.17,958/-, which was received as bonus towards the total. This amount has to be reduced from the monthly income. Hence, the income of the deceased can be fixed at Rs.91,944/- per month in terms of Indian money. The compensation that has been fixed under the other heads are just and proper and does not require the interference of this Court.

14. In view of the above, the compensation towards of loss of income is reduced from 1,56,93,924/- to Rs.1,31,29,603/- $[(91,944 * 1/2 + 40\%) * 12 * 17]$ and the total compensation is modified as follows:

Head	Amount
Loss of future income	Rs.1,31,29,603/-
Loss of consortium	Rs. 80,000/-
Loss of estate	Rs. 15,000/-
Funeral expenses	Rs. 15,000/-
Transportation	Rs. 10,000/-
Total	Rs.1,32,49,603/-



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15. Accordingly, the compensation is reduced from Rs.1,58,13,924/- to Rs.1,32,49,603/- (Rounded off to Rs.1,32,49,600) along with 7.5% interest.

16. Pursuant to the interim order passed by this Court on 18.08.2023, a sum of Rs.82,90,767/- has been deposited. The balance compensation amount out of the modified compensation fixed by this Court shall be deposited by the appellant corporation within a period of four weeks from the date of receipt of a copy of this judgment along with 7.5% interest.

17. It is brought to the notice of this Court that during the pendency of this appeal, the first respondent, who is the mother of the deceased, also died. It leaves only the 2nd respondent as the sole surviving legal heir, who will be entitled to inherit the estate of the deceased. Accordingly, on deposit of the balance compensation along with interest, the second respondent shall be permitted to withdraw the entire compensation amount along with accrued interest.



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18. The Civil Miscellaneous Appeal is allowed in part with the above modification. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.] [K.K.R.K, J.]
23.06.2026

NCC :Yes/No
Index :Yes/No
RR

To

1.The Motor Accident Claims Tribunal/
Additional District Judge, Karur

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



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