



C.M.A(MD)No.1370 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH  
COURT**

**DATED: 12.02.2026**

**CORAM:**

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN  
AND**

**THE HONOURABLE MS.JUSTICE R. POORNIMA**

**C.M.A(MD)No.1370 of 2025**

**and**

**C.M.P(MD)Nos.18399 of 2025 & 1647 of 2026**

The Branch Manager,  
Reliance General Insurance Company Limited,  
Having office at Sri Meenakshi Plaza,  
1<sup>st</sup> Floor, Plot No.HIG 55, 80 feet road,  
Anna Nagar,  
Madurai-625 020.

... Appellant/Respondent No.2

-VS-

1.Abinaya

2.Minor V.Sudarsana

(Minor 2<sup>nd</sup> respondent represented

through her mother/guardian,

1<sup>st</sup> respondent Abinaya)

... Respondents 1 & 2/

Petitioners 1 & 2

3.A.Paulraj

...3<sup>rd</sup> Respondent/1<sup>st</sup> Respondent

4.V.Vasu

5.V.Sundarammal

... Respondents 4 & 5/

Respondents 3 & 4



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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to set aside the award dated 29.10.2024 passed in M.C.O.P.No.116 of 2021, on the file of the Motor Accident Claims Tribunal, VI Additional District Judge (FAC), Madurai and allow the Civil Miscellaneous Appeal.

For Appellant : Mrs.K.R.Shivashankari

For R1 & R2 : Mr.V.Sakthi (R2 minor rep. by R1)

### **JUDGMENT**

**(Judgment of the Court was delivered by  
G.K.ILANTHIRAIYAN, J.)**

This Civil Miscellaneous Appeal has been preferred by the appellant/Insurance company as against the award passed in M.C.O.P.No.116 of 2021, dated 29.10.2024, on the file of the Motor Accident Claims Tribunal/VI Additional District Judge, Madurai.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The claimants/respondents 1 and 2 filed a claim petition stating that on 21.09.2020 at about 9:30 p.m., the deceased was riding his two-wheeler bearing Registration No. TN-37-H-2224 from west to east on the extreme left side of the Kaalapatty–Arasoor Main Road. While he was proceeding near Kaalapatty Annamar Kovil, a Mahindra Max Truck bearing Registration No. TN-66-L-8366, driven by its driver in a rash and negligent manner in the opposite direction, dashed against the two-wheeler. As a result, the deceased was thrown away and fell down to the road. He sustained grievous injuries and subsequently died. Based on the complaint, an FIR was registered against the first respondent in Crime No. 798 of 2020.

4. On the side of the claimants, P.W.1 to P.W.3 were examined and Exs.P1 to P24 were marked. On the side of the respondent no one was examined and no document was marked.



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5. On perusal of the oral and documentary evidence, the Tribunal concluded that the accident had occurred only due to the rash and negligent driving of the driver of the appellant's insured vehicle and awarded compensation to the tune of Rs.49,42,000/-. Aggrieved by the same, the appellant/Insurance company has filed this appeal.

6. The learned counsel appearing for the appellant submitted that the appeal has been filed challenging only the quantum of compensation. The Tribunal awarded compensation by considering future prospects at 50% instead of 40%. This has also been fairly conceded by the learned counsel for the claimants.

7. Considering the above submission, this Court is inclined to modify the award amount as follows:

The monthly income of the deceased is fixed at Rs. 22,000/-, and future prospects are added at 40% in accordance with



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the judgment of the *National Insurance Co. Ltd. v. Pranay Sethi*, reported in **2017 (2) TN MAC 609 (SC)**. Rs. 22,000  $\times$  40/100 = Rs. 30,800. Since the deceased was a bachelor at the time of the accident, 1/4<sup>th</sup> is to be deducted towards personal expenses. Therefore, after deducting one-fourth, the amount comes to Rs. 23,100/-. Therefore, the loss of dependency is calculated as follows: Since the deceased died at the age of 31 years, the appropriate multiplier of 16 is adopted. Accordingly, Rs.23,100  $\times$  12  $\times$  16 = Rs. 44,35,200/-.

| Under the Head of Compensation | Amount                |
|--------------------------------|-----------------------|
| Loss of Dependency             | Rs.44,35,200/-        |
| Loss of consortium             | Rs. 1,60,000/-        |
| Loss of Estate                 | Rs. 15,000/-          |
| Funeral Expenses               | Rs. 15,000/-          |
| <b>Total</b>                   | <b>Rs.46,25,200/-</b> |

8. Thus, the claimants are entitled to the modified compensation of **Rs.46,25,200** /- with interest at the rate of 7.5% per



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annum from the date of claim petition till the date of realisation, as against the sum of Rs.49,42,000/- with 7.5% interest per annum awarded by the Tribunal. The first claimant is entitled for a sum of Rs.22,72,600/-. The second minor claimant is entitled to Rs.22,72,600/- and the respondents 4 & 5 are entitled for a sum of Rs.40,000/- each.

9.This Civil Miscellaneous Appeal is partly allowed as indicated above. In fine, the award passed in M.C.O.P.No.116 of 2021, dated 29.10.2024, on the file of the Motor Accident Claims Tribunal/VI Additional District Judge, Madurai, is modified. The appellant is directed to deposit the modified award amount with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation, less the amount already deposited, if any, as awarded by this Court, to the credit of the claim petition, within a period of six weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit, the respondents



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1, 4 & 5 are permitted to withdraw their share with proportionate interest and costs by filing formal permission petition before the Tribunal. The share of the second respondent/minor claimant shall be deposited in a Nationalised Bank in a fixed deposit until they attain majority. The interest accruing on such deposit is permitted to be withdrawn by the 1<sup>st</sup> respondent/mother of the minor claimant, once in three months directly from the bank. No costs. Consequently, connected Miscellaneous Petition is closed.

**[G.K.I.J.,] & [R.P.J.,]**  
**12.02.2026**

NCC :Yes/No  
Index :Yes/No  
am

To

1.The Motor Accident Claims Tribunal,  
VI Additional District Judge (FAC), Madurai

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

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**G.K. ILANTHIRAIYAN, J.**  
**AND**  
**R. POORNIMA, J.**

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