BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : **30.03.2026**

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD).No.379 of 2026

The Branch Manager
Shriram General Insurance Company Limited,
No. 180, Shriram Trade Centre,
Ground Floor, P.P.Savadi,
Theni Main Road, Madurai - 625 016.
Now Office at Door No. 30,
HAK Road, Ground Floor,
Chinnachokikulam, Madurai. ... Appellant

Vs.

1.Arulappan

2.Rejina Mary

3.Loosiya ... Respondents

Prayer:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, challenging the award passed in M.C.O.P.No.357 of 2018 dated 11.12.2024 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Kumbakonam and allow the above Civil Miscellaneous Appeal.

For Appellants : Mr.R.Ramadurai

For Respondents : Mr.S.Suriya (For Respondents 1 &2)

JUDGMENT

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

The appellant insurance company filed this appeal challenging the quantum of the award passed in M.C.O.P.No.357 of 2018, dated 11.12.2024 by the Motor Accident Claims Tribunal, (Additional Subordinate Judge), Kumbakonam.

2.Fact of the case:

The deceased, Rajesh, on 27.07.2013 at about 9.00 a.m., was travelling on his two-wheeler along the Thiruvarur–Kumbakonam Main Road, proceeding on the left side of the road in a slow and cautious manner, adhering to traffic rules and regulations. At that time, the Tata Ace vehicle bearing Registration No. TN25T1510, insured with the appellant–Insurance Company, came from the opposite direction. It is the case of the claimants that the driver of the said vehicle, after overtaking another vehicle, suddenly stopped without giving any signal, resulting in a collision with the motorcycle of the deceased. Due to the impact, the deceased sustained grievous injuries on his head, chest, and other parts of the body. He was initially taken to a private hospital at Kumbakonam and thereafter shifted to Thanjavur Medical College Hospital for further treatment. Despite treatment from 27.07.2013 to 05.08.2013, he succumbed to the injuries on 05.08.2013.

2.1.The dependents of the deceased filed M.C.O.P. No. 357 of 2018 before the Motor Accident Claims Tribunal (Additional District Judge), Kumbakonam, claiming compensation. In connection with the accident, a criminal case in Crime No. 225 of 2013 was registered against the driver of the offending vehicle, and a final report was filed after investigation.

2.2.To substantiate their claim, the claimants examined P.Ws. 1 to 3 and marked Exs. P1 to P9. On the side of the respondents, R.Ws. 1 and 2 were examined, and Ex. R1 was marked. Additionally, Exs. X1 and X2 (including MRI report and vehicle inspection reports) were marked through the Court.

3.**Finding of the Tribunal**

The learned Tribunal Judge, upon appreciation of the evidence, held that the accident occurred due to the rash and negligent driving of the driver of the appellant-insured vehicle and awarded a total compensation of Rs.18,06,052/- by judgment dated 11.12.2024, on the following heads:

Sl. No	Heads	Amount in Rs
1	Loss of Dependency	16,76,052/-
2	Filial Consortium	1,00,000/-
3	Funeral expenses	15,000/-
4	Loss of Estate	15,000/-
Total		**18,06,052/-**

3.1.Aggrieved by the said award, the appellant–Insurance Company has preferred the present appeal, primarily challenging the finding on negligence. The quantum of compensation has not been seriously disputed.

4.Submission of the learned counsel for the appellant:

The learned counsel for the appellant would contend that the Tribunal erred in fixing negligence on the driver of the insured vehicle without properly appreciating the evidence of R.Ws. 1 and 2. It is further submitted that the testimony of the alleged independent witness is not reliable and the Tribunal failed to consider the evidence of Insurance company in proper perspective.

5.**Submission of the learned counsel appearing for the respondent/claimants:**

Per contra, the learned counsel for the claimants would submit that the Tribunal, based on the cogent and reliable testimony of P.W.2, an independent eyewitness, has rightly concluded that the accident occurred due to the negligence of the driver of the insured vehicle. It is further contended that no contra evidence has been adduced to discredit the testimony of the said witness, and the evidence of Insurance company does not probabilise any negligence on the part of the deceased.

6**.**This Court considered the rival submissions made by the learned counsel appearing for the appellant and the learned counsel appearing for the insurance company/third respondent and perused the materials available on record.

7. The following points arise for consideration of this appeal:

7**.1.** Whether the negligence is correctly fixed on the driver of the vehicle insured with the appellant?

7**.2.**Whether the compensation granted is in accordance with law?

8.**Findings of this Court:**

P.W.2, who was examined as an independent eyewitness, has clearly deposed about the manner of occurrence, stating that the driver of the insured vehicle, after overtaking, suddenly stopped the vehicle without any signal, leading to the collision. Her testimony is consistent and inspires confidence. Despite being subjected to cross-examination, nothing material has been elicited to discredit her version.

9.On the other hand, the Insurance Company has not adduced any convincing evidence to rebut the said testimony or to establish contributory negligence on the part of the deceased. The evidence of R.Ws. 1 and 2 does not effectively dislodge the version of P.W.2. Further, they are not eyewitness to the occurrence. In such circumstances, this Court finds no infirmity in the finding of the Tribunal in fixing negligence upon the driver of the appellant-insured vehicle, and the same is hereby affirmed.

10.**Discussion on quantum:**

Insofar as the quantum of compensation is concerned, the Tribunal, taking into account the nature of avocation of the deceased as a coolie, has fixed a notional monthly income of Rs.11,085/- by following the principles laid down by the Hon'ble Supreme Court in the case of ***Syed Sadiq v. Divisional Manager, United India Insurance Co. Ltd.*** reported in ***2014 (2) SCC 735***. The Tribunal has also added 40% towards future prospects, applied the appropriate multiplier, and deducted 50% towards personal expenses, the deceased being a bachelor. The compensation of Rs.18,06,052/- awarded under various heads, including loss of income and conventional damages, is just and reasonable and does not warrant interference.

10.1.Further, in view of the finding that the driver of the insured vehicle did not possess a valid driving licence, the Tribunal has rightly applied the principle of "pay and recovery," directing the Insurance Company to pay the compensation to the claimants and recover the same from the owner of the vehicle.

11.In view of the above, this Court finds no merit in the appeal. The award passed by the Tribunal in M.C.O.P.No.357 of 2018 dated 11.12.2024 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Kumbakonam, both on the aspect of negligence and quantum, including the direction of pay and recovery, is confirmed. The appeal stands dismissed. There shall be no order as to costs.

[N.A.V.,J.] & [K.K.R.K.,J.]
23.03.2026

sbn

To

1.The Motor Accidents Claims Tribunal (Subordinate Judge),
Kumbakonam.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

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

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Dated: 30.03.2026