

C.M.A.(MD)No.972 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.02.2026

Pronounced on : 04.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.A.(MD)No.972 of 2021

and

C.M.P(MD)No.9237 of 2021

TATA AIG General Insurance Company Limited,
Through its Branch Manager,
Peninsula Business Park,
Tower A, 15th Floor,
Ganpatrao Kadam Marg, Off. Senapatti,
Bapat Marg, Lower Parel,
Mumbai – 400 013.

... Appellant/3rd Respondent

Vs.

- 1.Subbammal,
W/o. Late. Chidambaram,
Anna Nagar, Maharaja Nagar Post,
Tirunelveli - 627 011.
- 2.Raj,
S/o. Late. Chidambaram,
Anna Nagar, Maharaja Nagar Post,
Tirunelveli - 627 011.
- 3.Muthumari,
W/o. Raghavan,
Anna Nagar, Maharaja Nagar Post,
Tirunelveli - 627 011.
- 4.Santhanamari,
W/o. Azhagesan,
Anna Nagar, Maharaja Nagar Post,
Tirunelveli - 627 011.



C.M.A.(MD)No.972 of 2021

5.Rajiv Gandhi,
S/o. Late. Chidambaram,
Anna Nagar, Maharaja Nagar Post,
Tirunelveli - 627 011.

...Respondent Nos.1 to5/Petitioners

6.Narayanan,
S/o. Subbiah,
No.12/40, Rani Maharajapura Mela Street,
Arumuganeri,
Tiruchendur.

7.Jerin,
S/o. Jude Bharath,
No.430, V.E. Road,
Tuticorin.

8.The Managing Partner,
M/s.Aghin Roadways,
No. 5/93, Kollupalayam,
Opposite to Kaniyur Checkpost,
Karumathampatty,
Coimbatore.

...Respondent Nos.6, 7 & 8/
Respondents 1, 2 & 4

9.Reliance General Insurance Company Limited,
Through its Branch Manager,
2nd Floor, Citadel Arcade,
R.C. Road, Opposite to Tagore Centenary Hall,
Kozhikode,
Kerala – 673 032.

...9th Respondent/5th Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award made in M.C.O.P.No.704 of 2016, dated 30.07.2020 on the file of the Motor Accidents Claims Tribunal/Special Sub Court dealing with MCOP Cases, Tirunelveli and to allow the appeal with costs.

For Appellant : Mr.J.S.Murali
For R1 to R5 : Mr.B.Anandan
R6 to R9 : Dispensed with



C.M.A.(MD)No.972 of 2021

JUDGMENT

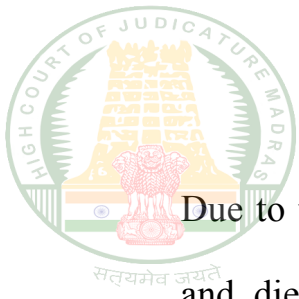
WEB COPY This Civil Miscellaneous Appeal is filed challenging the Award, dated 30.07.2020 passed in M.C.O.P.No.704 of 2016 by the Motor Accident Claims Tribunal/Special Sub Court dealing with MCOP Cases, Tirunelveli.

2.The 3rd respondent in M.C.O.P.No.704 of 2016 is the appellant herein. The respondents 1 to 5 are the petitioners/claimants and the respondents 6 to 9 are the respondents 1, 2, 4 and 5 in M.C.O.P.No.704 of 2016.

3.For the sake of convenience, the parties as arrayed in M.C.O.P.No.704 of 2016 are adopted hereunder.

4.The brief facts of the case:

On 16.05.2014 at about 12.30 p.m., the deceased Kattlingam was travelling in the 1st respondent's Indica car bearing registration No.TN 69 AA 8411 from Trichy to Thirupathi. The said car was driven by its driver in a rash and negligent manner near Ramakrishna Polytechnic at Perambalur on Trichy to Chennai NH Road and hit against the rear portion of the Eicher Mini lorry bearing registration No.TN 39 AU 9912 belongs to the 4th respondent.

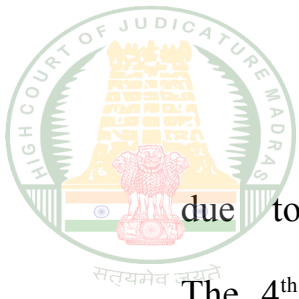


WEB COPY

Due to the impact, the deceased Kattlingam sustained multiple fatal injuries and died on the spot. The accident took place due to the sole rash and negligent act of the 1st respondent. The deceased Kattlingam was a bachelor who was aged 31 years. He was working as an advocate clerk and was earning Rs.25,000/- p.m. The petitioners were dependent on the income of the deceased Kattlingam. An FIR in Crime No.320 of 2014 U/s.279, 337 and 304(A) of IPC was registered against the driver of the 1st respondent by Perambalur Police Station. The car of the 1st respondent was insured with the 3rd respondent. The 4th respondent's Eicher Mini lorry was insured with the 5th respondent. Hence, the petitioners filed a claim petition seeking compensation of Rs.25,00,000/-.

5.The 3rd respondent/TATA AIG General Insurance Company Ltd., objected to the claim petition and contended that the accident took place due to the negligent driving of the 4th respondent's Eicher Mini lorry. The 1st respondent was not responsible for the accident. So, the 3rd respondent is not liable to pay any compensation to the petitioners/claimants.

6.The 5th respondent/Reliance General Insurance Company Ltd., objected to the claim petition and submitted that the accident happened only



C.M.A.(MD)No.972 of 2021

due to rash and negligent driving of the 1st respondent's car.

The 4th respondent's Mini Lorry was not responsible for the accident.

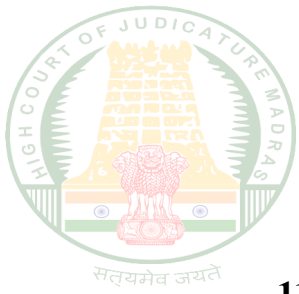
Hence, this respondent, being the insurer of the 4th respondent, is not liable for any compensation.

7.The respondents 1, 2 and 4 remained ex-parte before the Tribunal.

8.Before the Tribunal, both sides adduced oral and documentary evidence. The petitioners examined two witnesses as P.W.1 and P.W.2 and marked five documents as Ex.P.1 to Ex.P.5. On the respondents' side, no witness was examined and no exhibit was marked.

9.After hearing both sides and after considering the evidence, the Tribunal has held negligence on the driver of the 1st respondent's Indica car. The Tribunal has arrived at a total compensation of Rs.16,82,800/- and directed the 3rd respondent/Insurance Company to pay the amount to the petitioners with interest by its order, dated 30.07.2020.

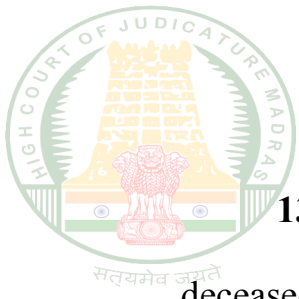
10.Aggrieved by the said award, the 3rd respondent/TATA AIG General Insurance Company Ltd., has preferred this Civil Miscellaneous Appeal.



WEB COPY

11. Heard both sides and perused the records in this Civil Miscellaneous Appeal. There is no dispute between both sides that the accident took place due to the rash and negligent driving of the 1st respondent's driver. The only dispute is with regard to the income of the deceased and the deduction of his personal expenses, as the deceased was a bachelor at the time of death.

12. The learned counsel for the 3rd respondent/TATA AIG General Insurance Company Ltd., has contended that the petitioners have not produced any income certificate, though they claimed that the deceased was working as an advocate clerk. Hence, the notional income has to be fixed at Rs.7,500/- p.m, but the Tribunal has erred in fixing the notional income at Rs.9,000/- p.m. The deceased died as a bachelor. So, as per the settled legal proposition, 50% deduction of income towards personal expenses shall be taken into account. The Tribunal has deducted only 1/3rd of the income towards personal expenses. In the light of these aspects, the award passed by the Tribunal has to be modified. In other respects, there is no serious objection.



WEB COPY

13.The learned counsel for the petitioners has submitted that the deceased Kattilingam was working as an advocate clerk. The deceased was earning Rs.25,000/- p.m. But, the Tribunal has fixed the notional income of Rs.9,000/- p.m., which is meagre, and the same has to be fixed excessively. The Division Bench of this Court in the Andal case has observed, considering the judgment of the Apex Court in the **Syed Sadiq case**, that while fixing the notional income, the Tribunal has to adopt the cost of inflation index for the subsequent years. Following the said legal position, this Court has fixed the notional income at Rs.13,300/- for a deceased who died in the year 2016, quoting the order in **C.M.A.No.3053 of 2021, dated 23.01.2024** and hence the petitioners prayed to enhance the notional income in this case to Rs.12,093/- p.m. The Tribunal has correctly added future prospects as 40% and has correctly taken the multiplier as '16'.

14.Considered both sides arguments and perused records of the case. There is no dispute by both sides that the accident took place due to the rash and negligent driving of the 1st respondent's driver and that the deceased was a bachelor who was aged 31 years at the time of the accident. The only dispute is regarding the income of the deceased and the quantum of award under the head of loss of love and affection.



WEB COPY

15. On hearing both sides and on perusal of records, it is clear that the petitioners state that the deceased was working as an advocate clerk and the same was not strongly disputed by the respondents. Admittedly, the petitioners have not produced any income proof. Moreover, the petitioners have not preferred any cross appeal seeking enhancement of the award. Therefore, in the absence of any income proof and considering the age of the deceased, who was a bachelor, the Tribunal fixed the notional income as Rs.9,000/- p.m. This fixation of notional income is correct in view of settled positions in the **Syed Sadiq case** and also the **Andal case**. In view of the **Sarala Verma and Pranay Sethi cases**, 40% future prospects have been fixed by the Tribunal, which is upheld. Applying the same, the income of the deceased after adding 40% prospects is Rs.12,600/- (Rs.9,000/- + Rs.3,600/- (40% of Rs.9,000/-)).

16. The deceased was a bachelor. At this juncture, the 3rd respondent/TATA AIG General Insurance Company Ltd., has objected that the Tribunal has deducted only 1/3rd of the income towards personal expenses. As per the **Sarala Verma and Pranay Sethi cases**, 50% has to be deducted towards the own expenses of a deceased bachelor. For this, both sides consented to a deduction of 50% during the course of the arguments. Therefore, after deducting 50% for the personal expenses of the deceased, the monthly loss of



income of the dependents of the deceased would be Rs.6,300/- p.m. (Rs.12,600/- x 1/2). Considering the age of the deceased as 31 years, the multiplier '16' is correct as per the Sarala Verma case. Therefore, the loss of income is Rs.6,300 x 12 x 16 = Rs.12,09,600/-.

17. While considering the loss of consortium, the Tribunal has awarded Rs.40,000/- to all the petitioners. It is not disputed by the learned counsel for both sides. Similarly, it is not disputed by both sides in respect of the sum of Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

18. Thus, this Court holds that the total compensation payable to the petitioners/claimants in M.C.O.P.No.704 of 2016 as follows:

Sl. No.	Description	Amount awarded by this Court
1.	Loss of Income (Rs.6,300 x 12 x 16)	Rs.12,09,600/-
2.	Funeral Expenses	Rs. 15,000/-
3.	Loss of Estate	Rs. 15,000/-
4.	Loss of Consortium	Rs. 40,000/-
	Total	Rs.12,79,600/-

Therefore, the petitioners 1 to 5/claimants in M.C.O.P.No.704 of 2016 are entitled to Rs.12,79,600/-. Therefore, to that extent, the compensation awarded by the Tribunal is set aside and modified as Rs.12,79,600/-. In respect of apportionment, the first petitioner/1st claimant is entitled to



C.M.A.(MD)No.972 of 2021

receive a sum of Rs.8,79,600/-, and the petitioners 2 to 5/claimants 2 to 5 are entitled to receive a sum of Rs.1,00,000/- each with proportionate interests and costs.

19. In the result,

(i) This Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The quantum of compensation awarded by the Tribunal is modified and reduced from Rs.16,82,800/- to Rs.12,79,600/- (Rupees Twelve Lakhs Seventy Nine Thousand Six Hundred only) and to that effect, the 3rd respondent/Insurance Company is directed to pay the reduced compensation in M.C.O.P.No.704 of 2016 to the petitioners within a period of six weeks from the date of receipt of a copy of this order with proportionate interest and cost.

(iii) The 1st petitioner/1st claimant is entitled to receive a sum of Rs.8,79,600/- (Rupees Eight Lakhs Seventy Nine Thousand and Six Hundred only) and the petitioners 2 to 5/claimants 2 to 5 are entitled to receive a sum of Rs.1,00,000/- (Rupees One lakh only) each with proportionate interests and costs.

(iv) On such deposit being made by the 3rd respondent/Insurance Company, the petitioners 1 to 5/claimants are permitted to withdraw their entire share amount as apportioned by this Court with proportionate interest



C.M.A.(MD)No.972 of 2021

and cost by filing appropriate application before the Tribunal, less the amount already withdrawn if any.

WEB COPY

(v) If the entire amount is deposited by the appellant/Insurance Company in this case either before the Tribunal or before this Court, the difference between the award of the Tribunal and the modified award of this Court with interest shall be ordered to be withdrawn by the appellant/Insurance Company on appropriate application.

(vi) Consequently, the connected Civil Miscellaneous Petition is closed.

04.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

1. The Motor Accidents Claims Tribunal/
Special Sub Court dealing with MCOP Cases,
Tirunelveli.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD)No.972 of 2021

P.VADAMALAI, J.

VSD

Pre - Delivery Judgment made in
C.M.A.(MD)No.972 of 2021
and
C.M.P(MD)No.9237 of 2021

04.06.2026