

C.M.A(MD)No.253 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

C.M.A(MD)Nos.253 of 2023

Branch Manager
National Insurance Company Limited
J.K., Plaza 1st Floor,
T.S.No.3622/27,
Santhanathapuram,
5th Street, Pudukottai Town and District.

... Appellant

Vs.

1. A.Mariappan
2. M.Bharathi
3. M.Subhasri
4. S.Sethuraman(Proprietor)

... Respondents



C.M.A(MD)No.253 of 2023

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the Judgment and decree in MCOP.No. 405 of 2020 dated 17-08-2022 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Pudukottai and allow the appeal with costs.

For Appellant : Mr. J.S.Murali

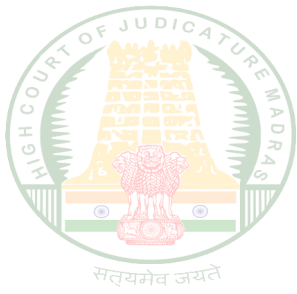
For Respondents : Mr.K.C.Muniyarasu for R1 to R3

J U D G M E N T

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

The insurance company has filed the present appeal against the award passed by the Motor Accidents Claims Tribunal, Principal District Court, Pudukottai, dated 17.08.2022.

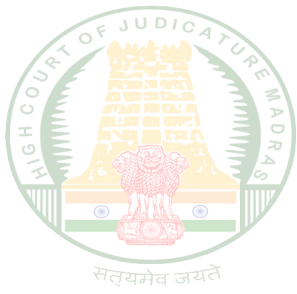
2. Heard the learned counsel for the appellant and the learned counsel appearing for the respondents 1 to 3.



C.M.A(MD)No.253 of 2023

WEB COPY

3. The respondents 1 to 3 are the claimants. The first respondent is the husband of the deceased, the second and third respondents are the children of the deceased. The claim petition was filed on the ground that the deceased was working as Tailoring Teacher in a Government Higher Secondary School and on 21.08.2020 at about 3.45 PM, she was returning home after finishing her work in a two-wheeler as a pillion rider and the two-wheeler was driven by one Sivashankari, who was also working along with the deceased. When the vehicle approached near North Nallipatti Middle School, the car was driven by the first respondent which was coming in the opposite direction driven in a rash and negligent manner and it dashed on the two-wheeler and as a result, the deceased was thrown out of the two-wheeler and she sustained serious injuries and she succumbed to the injuries. It is under these circumstances, the claim petition was filed by the respondents 1 to 3 seeking payment of compensation.



C.M.A(MD)No.253 of 2023

WEB COPY

4. The appellant/insurance company filed a counter by taking a stand that the offending vehicle was not driven in a rash and negligent manner and in fact, it is the two-wheeler which was driven in the rash and negligent manner and the rider of the two-wheeler did not possess a valid driving license. Insofar as the quantum of compensation is concerned, the same was also questioned by the appellant insurance company in the counter-affidavit.

5. The claimants examined PW1 and PW2 and marked Exhibits P1 to P14. Court witness was examined as CW1 and Exhibit X1 to X4 were marked apart from Ex.C1. The appellant insurance company examined RW1 and RW2. However, they did not mark any documents on their side.

6. The Tribunal, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash



C.M.A(MD)No.253 of 2023

and negligent driving of the car which was driven by the first respondent.

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Insofar as the quantum of compensation is concerned, the Tribunal arrived at a total compensation of Rs.56,78,684/- payable along with interest at the rate of 7.25% per annum.

7. Aggrieved by the above award passed by the Tribunal, the insurance company has filed the present appeal both on the issue of negligence as well as on the quantum of compensation fixed by the Tribunal.

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

9. The learned counsel for the appellant submitted that the insurance company had examined RW2, who is the official from the RTO Office, Pudukottai and established the fact that the rider of the two-wheeler did not possess a valid driving license. The learned counsel further submitted that RW1, who is the driver of the offending vehicle



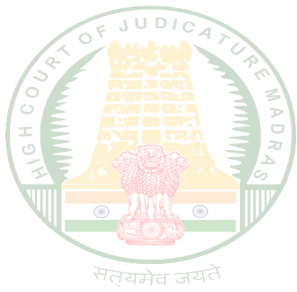
C.M.A(MD)No.253 of 2023

WEB COPY

was also examined as a witness to substantiate that the negligence was only on the part of the rider of the two-wheeler.

10. We have carefully perused the evidence of RW1 and RW2 and also the findings rendered by the Tribunal in this regard.

11. The Tribunal considered the evidence of PW1 and PW2 and also RW1 in order to assess the issue of negligence. The Tribunal found that the FIR (Ex.P1) was registered as against the driver of the offending vehicle and the eyewitness account of PW1 was taken into consideration to fix the negligence on the offending vehicle. The Tribunal had appreciated the evidence and arrived at the conclusion that the accident had taken place only due to the negligence on the part of the driver of the offending vehicle. This finding does not suffer from any illegality warranting interference by this Court. Accordingly, the first ground raised by the insurance company touching upon the issue of negligence is hereby rejected.



C.M.A(MD)No.253 of 2023

WEB COPY

12. Insofar as the quantum of compensation is concerned, the learned counsel for the appellant broadly raised two issues. The first issue is that the Tribunal ought to have applied the split multiplier considering the age of the deceased who was 54 years at the time of occurrence. The next issue raised is that while calculating the income, the Tribunal did not properly deduct the income tax and committed a mistake in arriving at the total loss of income.

13. Insofar as the first issue regarding the application of split multiplier, the same has to be straightaway rejected and for this purpose, we rely upon the latest judgment in *Preetha Krishnan & Ors., v. United India Insurance Ltd.*, reported in **2026 (1) TN MAC 145**. The Tribunal was perfectly right in rejecting the claim made by the insurance company for applying the split multiplier.

14. Insofar as the calculation of the income and the deduction of the income tax is concerned, we find that there is no clarity in the manner in which it was calculated by the Tribunal. Hence, we thought it

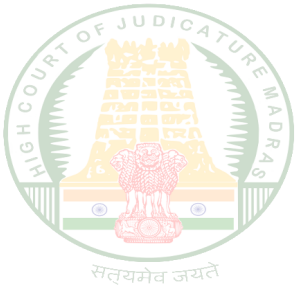


C.M.A(MD)No.253 of 2023

WEB COPY

fit to do the calculation and to arrive at the correct figure. The said calculation is made hereunder:

Particulars	Calculation	Amount (Rs.)
Gross Monthly Income		60,541
Add – 15% for future prospects	$60,541 \times 15\%$	9,081
Total Monthly Income	$60,541 + 9,081$	69,622
Annual Income	$69,622 \times 12$	8,35,464
Permissible Deduction (Tribunal)	$7,184 \times 12$	86,208
Net Annual Income	$8,35,464 - 86,208$	7,49,256
Income Tax:		
Exceeds 5,00,000 but does not exceed 10,00,000		25,000
Remaining Income Tax $(7,49,256 - 5,00,000) \times 20\%$	$2,49,256 \times 20\%$	49,851
Total Tax	$25,000 + 49,851$	74,851
Net Income after Tax	$7,49,256 - 74,851$	6,74,405
Compensation Calculation	$6,74,405 \times 11 \times 2/3$	49,45,636
Tribunal Finding		55,68,684
Difference	$55,68,684 - 49,45,636$	6,23,048



C.M.A(MD)No.253 of 2023

WEB COPY

15. Insofar as the second issue is concerned, we are inclined to fix the compensation under the head of “Loss of Dependency” at Rs. 49,45,636/-.

16. We also find that insofar as the loss of consortium is concerned, the Tribunal has only awarded a sum of Rs.40,000/-. Each of the claimant will be entitled for loss of consortium and hence, the same is enhanced from Rs.40.000/- to Rs.1,20,000/- (Rs.40,000/- X 3). The compensation fixed under the other heads are confirmed.

17. When the appeal was entertained by this Court, a direction was issued to the insurance company to deposit 50% of the compensation amount along with proportionate interest by an order dated 13.03.2023 and this order was complied with and the amount that was deposited along with proportionate interest was permitted to be withdrawn by the claimants. In view of the same, the balance amount shall be deposited by the insurance company within a period of four weeks from the date of



C.M.A(MD)No.253 of 2023

WEB COPY

receipt of a copy of this order. On such deposit, the claimants shall be permitted to withdraw the amount in the proportion as fixed by the Tribunal.

18. In the result, this Civil Miscellaneous Appeal stands disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

[N.A.V., J.] [P.D.B., J.]
12.03.2026

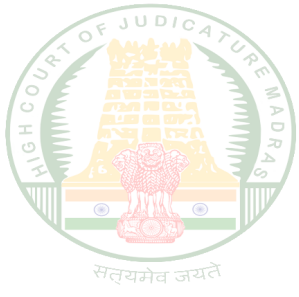
NCC :Yes/No
Index :Yes/No
PKN

To

1.Motor Accidents Claims Tribunal, Principal District Court,
Pudukottai.

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

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C.M.A(MD)No.253 of 2023

N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.

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C.M.A(MD)No.253 of 2023

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