

Devi Vs The Superintendent of Police,

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Court : Chennai

Decided On : Apr-24-2026

Judge : Honourable Mrs.Justice K. Govindarajan Thilakavadi

Appeal No. : CMA/338/2026

Appellant : Devi

Respondent : The Superintendent of Police,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 16.02.2026

Pronounced on: .04.2026

CORAM

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI
C.M.A.No.338 of 2026

1. Devi, W/o. Nataraj, aged about 50 years, residing at 22/52, Thannir Thotti Veethi, Palladam Tk, Samalapuram, Tiruppur District.

2. Shanthi, W/o. Mohanraj, aged about 29 years, Residing at 15/7, Avinashi Road, Ramanathapuram, Punsai Puliampatti, Erode District - 638 459.

3. Dharani, D/o. Nataraj, aged about 27 years,

All residing at 22/52, Thannir Thotti Veethi, Palladam Taluk, Samalapuram, Tiruppur District. Appellants/Petitioners Vs. The Superintendent of Police, District Police Office, Angeripalayam Road, (Now at Palladam Road), Tiruppur District.
Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.1993 of 2018 dated 03.10.2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur, seeking enhancement of compensation. For Appellants : Mr.K.Varadhakamaraj
For Respondent : Mr.P.Gurunathan, Additional Government Pleader

JUDGMENT

This Civil Miscellaneous Appeal is preferred by the legal heirs of the deceased Nataraj, seeking enhancement of compensation awarded in M.C.O.P.No.1993 of 2018 dated 03.10.2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur.

2. For the sake of convenience, the parties are referred to as per their ranking in the claim petition.

3. Shortly stated, on 12.07.2018 at about 2.00 p.m., the deceased Nataraj was travelling on his two-wheeler bearing Registration No. TN 42 J 2952 along with his wife Devi as pillion rider, near the Iyengar Bakery at Kaniyur Toll

Gate. The Eicher Van bearing Registration No. TN 39 G 0284 belonging to the Superintendent of Police came from the opposite direction in a rash and negligent manner and hit against the two-wheeler. The deceased Nataraj sustained grievous head injuries and succumbed to

death. The appellants, being the legal heirs of the deceased, filed M.C.O.P.No.1993 of 2018 claiming compensation of Rs.20,00,000/-.

4. The Tribunal, after analyzing the evidence including the CCTV footage

(Ex.X3), rough sketch (Ex.R1), FIR (Ex.P1) and Final Report (Ex.P3), apportioned negligence at 50:50 between the deceased and the respondents driver. The Tribunal fixed the monthly income of the deceased at Rs.11,000/- per month and awarded a total compensation of Rs.4,86,000/- with interest at the rate of 7.5% per annum.

5. Seeking enhancement, the present appeal has been filed. The learned

counsel for the appellants would submit that the Tribunal erred in fixing 50% negligence on the side of the deceased. He would contend that the deceased came to the wrong side of the road only due to a traffic rule violation and not by

rash and negligent driving, while the respondents driver was rash and negligent. He would further submit that the FIR (Ex.P1) and Final Report (Ex.P3) are against the respondents vehicle driver and therefore the entire negligence ought to have been fixed on the respondents driver. He would also submit that the Tribunal ought to have fixed the income of the deceased at Rs.15,000/- per month considering the prevailing inflation index and that the award of Rs.7,92,000/- towards pecuniary loss is inadequate and ought to have been enhanced considering the deceaseds occupation and the prevailing economic condition. He prayed for enhancement of compensation.

6. On the other hand, the learned Additional Government Pleader for the

respondent would submit that the Tribunal after careful analysis of all evidence has arrived at a just and proper finding and that the award does not warrant enhancement.

7. Heard on both sides. Records perused.

8. The appellants contend that the entire negligence ought to be fixed on

the respondents driver. This Court has considered the CCTV footage (Ex.X3) and the rough sketch (Ex.R1). While the FIR (Ex.P1) and Final Report (Ex.P3) are against the respondents vehicle driver, those documents do not by themselves conclusively establish that the deceased bore no responsibility for the accident. The evidence on record, including the CCTV footage, clearly shows that the deceased was riding on the wrong side of the road near the toll gate, which was a direct contributing factor to the accident. The Tribunal correctly found that while the respondents driver also contributed by failing to take evasive action despite noticing the two-wheeler from a distance, the deceased was equally at fault. The standard of proof being preponderance of probability, the 50:50 apportionment reached by the Tribunal is a well-reasoned finding based on evidence and does not warrant interference.

9. On the question of income, the appellants submit that the monthly

income of the deceased ought to have been fixed at Rs.15,000/- per month. Admittedly, no documentary evidence such as salary certificate, income tax returns or wage slip was produced before the Tribunal. The Tribunal,

considering the nature of occupation of the deceased and the prevailing economic conditions as on the date of accident (12.07.2018), has fixed the notional income at Rs.11,000/- per month. This Court is of the view that the notional income of Rs.11,000/- per month falls within the reasonable range for a person of the deceaseds profile in 2018 and does not call for interference.

10. As regards the quantum of compensation under various heads, the

Tribunal has awarded compensation by applying the 50:50 negligence ratio. This Court, having upheld the 50:50 negligence ratio and the notional monthly income of Rs.11,000/-, finds no reason to disturb the

computation of compensation under any of the heads. The overall award of Rs.4,86,000/- is just and proper in the facts and circumstances of the case.

11. In view of the above, this Court finds no merit in the contentions raised by the appellants. The award of the Tribunal in M.C.O.P.No.1993 of 2018 dated 03.10.2024 is just, proper and does not warrant any interference.

12. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. .04.2026
vsn Internet:Yes/No Index:Yes/No

Speaking/Non-speaking order

To

1. The Special District Judge, Special District Court to deal with Motor Accident Claims Tribunal, Tiruppur.

2. The Section Officer, VR Section, High Court, Madras.

K.GOVINDARAJAN THILAKAVADI, J.

vsn Pre-delivery Judgment made in C.M.A.No.338 of 2026 .04.2026

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