

The Divisonal Manager Vs Palani

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Court : Chennai

Decided On : Jan-27-2026

Judge : Honourable Mrs.Justice K. Govindarajan Thilakavadi

Appeal No. : CMA/666/2025

Appellant : The Divisonal Manager

Respondent : Palani

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI The
Divisional Manager, M/s. National Insurance Company Limited, Infantry Road,
Near Alankar Theatre, Vellore - 632 001. ...Appellant Vs.

1. Palani
2. Geetha
3. Keerthi

4. Saravanan ...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 24.09.2024 passed in M.C.O.P.No.487 of 2019 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court, Vellore. For Appellant : Mr. J. Michael Visuvasam For Respondents : Mr. C. Prabhakaran For R1 to R3 R4- Notice Dispensed with.

JUDGMENT

This Appeal has been filed against the decree and judgment passed in M.C.O.P.No.487 of 2019 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court, Vellore dated 24.09.2024.

2. Briefly stated, the alleged accident took place on 23.03.2019 at about

7:15 p.m., at Vellore Green Circle to Kanalpettai service Road, opposite to Hotel Riverview. While the 1st respondent was riding the motorcycle bearing Reg.No. TN-23-CL-5356 with the deceased as pillion rider in a careful manner on the left side of the road, a lorry bearing Reg.No. TN-73-Y-2466, driven by its driver in a rash and negligent manner without following traffic rules, came in the same direction and dashed the deceased travelling motorcycle. The deceased sustained grievous injuries and died on the spot. FIR was registered against the driver of the lorry. The claims Tribunal partly allowed the claim petition and a sum of Rs.69,43,000/- was awarded as compensation.

3. Through this appeal, findings of the claims Tribunal have been

challenged. Substance of evidence clearly points out that the annual income of the deceased would have attracted income tax liability, as the income of the deceased was assessed at Rs.66,521/- per month at the time of the accident. Therefore, this Court is of the considered opinion

that the same be reduced to Rs.60,76,000/- after taxes.

4. Having come to the aforesaid conclusion, the next question to be

answered is about the spousal consortium of the 1st Respondent. The claims Tribunal awarded a sum of Rs.44,000/- and the same is found to be in excess and warrants interference by this Court.

5. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal	Amount awarded by this Court (Rs.)
1.	Loss of Income	67,32,000	60,76,000
2.	Spouse Consortium for the 1 st respondent	44,000	NIL
3.	Consortium for the 1 st to 3 rd respondents	1,32,000	1,32,000
4.	Transportation Expenses	5,000	5,000
5.	Loss of Estate	15,000	15,000
6.	Funeral Expenses	15,000	15,000
Total		69,43,000/-	62,43,000/-

6. In the result,

i.This Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.69,43,000/- is hereby reduced to Rs. 62,43,000/- together with interest at 7.5% per annum from the date of petition till the date of deposit. No cost. (ii)The appellant is directed to deposit the amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of twelve (12) weeks from the date of receipt of copy of this

judgment.

(iii)On such deposit being made, the respondents are at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal. Consequently, connected miscellaneous

petition is closed. 27.01.2026 Index : Yes Speaking Order : Yes Neutral citation :
Yes vsn To

1. I Additional District and Sessions Court, Motor Accident Claims Tribunal,
Vellore.

2. The Section Officer, V.R.Section, High Court, Madras. K.GOVINDARAJAN
THILAKAVADI., J vsn 27.01.2026

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