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CMA.No.852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

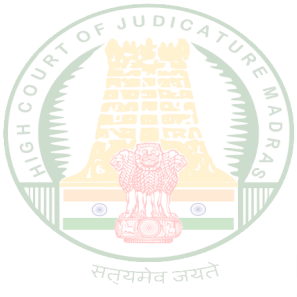
Civil Miscellaneous Appeal No.852 of 2022
& CMP.No.6257 of 2022

The Branch Manager,
United India Insurance Co. Ltd,
Branch Office, No.29-C,
1st Floor, CAN Road,
Khanderpeta, Vaniyambadi,
Vellore District-635 753.

...Appellant

Vs

1. R.S.Kuberan
S/O.Late R.K.Srinivasa Pillai,
4/30, Ramanaickanpettai,
Vaniyambadi Taluk,
Vellore District.
2. Powna, W/O.R.S.Kuberan,
4/30, Ramanaickanpettai,
Vaniyambadi Taluk,
Vellore District.
3. Manikandan, S/O.R.S.Kuberan,
4/30, Ramanaickanpettai,
Vaniyambadi Taluk,
Vellore District.
4. L.Samu
S/O.Lakshmanan, No.4,



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Kollaikottai Village,
Elayanagaram Post,
Vaniyambadi Tk,
Vellore District.



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...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the award dated 30.3.2015 made in MCOP.No.561 of 2013
on the file of the Motor Accident Claims Tribunal (Special District
Court), Krishnagiri.

For Appellant: Ms.I.Malar

For Respondents: Mr.P.M.Jayachandran for R1 & R2

R3 door locked

R4 served

JUDGMENT

This appeal has been filed by the Insurance Company
challenging the award dated 30.3.2015 passed in MCOP.No.561 of
2013 on the file of the Motor Accidents Claims Tribunal (Special
District Court), Krishnagiri (for short, the Tribunal below).



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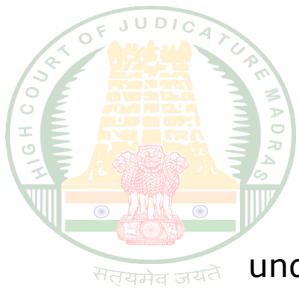
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2. Heard the learned counsel for the appellant and the learned counsel appearing for respondents 1 and 2.

3. The first claimant – first respondent is the father, the second claimant – second respondent is the mother and the third claimant – third respondent is the brother of the deceased one Ms.Kaviyarasi.

4. The facts leading to filing of this appeal are as follows:

(i) On 12.2.2006, the said Ms.Kalayarasi was proceeding in a two wheeler as a pillion rider along with the fourth respondent herein at Bargur – Krishnagiri Road and at 3.30 PM, the two wheeler approached Bargur Government Engineering College. At that point of time, the two wheeler was driven in a rash and negligent manner, on account of which, the rider of the two wheeler lost control and the said Ms.Kalayarasi fell down from the two wheeler and sustained fatal injuries. Even on the same day, on the way to Bangalore Hospital, at 10.40 PM, she succumbed to the injuries. In this regard, a first information report (FIR) in Crime No.37 of 2006 came to be filed before the Inspector of Police, Kandikuppam Police Station. It is



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under these circumstances, the claim petition was filed before the Tribunal below.

(ii) The appellant – Insurance Company filed a counter before the Tribunal below and took a stand that the deceased was none other than the wife of the tortfeasor, that the rider of the two wheeler namely the fourth respondent herein was not holding a valid licence and that therefore, the claimants – respondents 1 to 3 herein would not be entitled to make any claim for compensation. Accordingly, the appellant – Insurance Company sought for dismissal of the claim petition.

(iii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving by the rider of the two wheeler. Having rendered such a finding, the Tribunal below fixed the total compensation of Rs.8,08,000/- under the following heads:

<i>Head</i>	<i>Amount</i>
<i>Future loss of income</i>	<i>Rs.6,48,000/-</i>
<i>Loss of love and affection to the petitioners 1 & 2, who had lost the lovable daughter at the prime of her youth Rs.50,000/- X 2</i>	<i>Rs.1,00,000/-</i>
<i>Loss of love and affection to the</i>	



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<i>third petitioner, who had lost the</i>	
<i>lovable sister</i>	<i>Rs. 25,000/-</i>
<i>Transport to hospital</i>	<i>Rs. 10,000/-</i>
<i>Funeral expenses</i>	<i>Rs. 25,000/-</i>
<i>Total</i>	<i>Rs. 8,08,000/-</i>

(iv) The above total compensation was directed to be paid by the appellant with interest at the rate of 7.5% per annum from the date of petition till the date of deposit of the award amount. Aggrieved by that, the appellant – Insurance Company has filed the above appeal both on the ground of liability as well as on the ground of quantum of compensation fixed by the Tribunal below.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

6. In so far as the issue of liability is concerned, the Tribunal below has considered the evidence of an eyewitness – PW2 and also the FIR that was registered against the rider of the two wheeler. Ultimately, the Tribunal below came to the conclusion that there was no positive evidence in favour of the appellant – Insurance Company



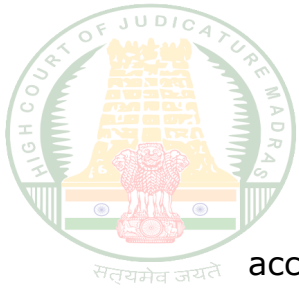
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and that in the light of the evidence of PW1 and the FIR that was marked as Ex.P.1, the accident was caused only due to the rash and negligent driving by the rider of the two wheeler. The above finding of the Tribunal below does not suffer from any perversity warranting the interference of this Court.

7. In so far as the quantum of compensation is concerned, this Court finds that the total compensation fixed by the Tribunal below under various heads is just and proper and it does not require the interference of this Court.

8. In the light of the above discussions, the above civil miscellaneous appeal is dismissed and the award passed by the Tribunal below dated 30.3.2015 in MCOP.No.561 of 2013 is sustained. The appellant – Insurance Company is directed to deposit the entire award amount along with accrued interest from the date of filing of the claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, respondents 1 to 3 herein namely the claimants are permitted to withdraw the entire award amount together with



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accrued interest in the proportion fixed by the Tribunal below. No costs. Consequently, the connected CMP is also dismissed.

06-07-2026

To
The Motor Accidents Claims Tribunal
(Special District Court), Krishnagiri.

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N.ANAND VENKATESH,J

RS

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