

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 13150 OF 2025**  
(Arising out of SLP (C) No. 19682 of 2025)

**R. PALANIYAMMAL & ORS. ... APPELLANT(S)**

**VERSUS**

**R. SUNDARAMBAL&ANR. ...RESPONDENT(S)**

**ORDER**

<b>Time taken for disposal of the claim petition</b>	<b>Time taken for disposal of appeal by the High Court</b>	<b>Time taken for the disposal of the appeal in this Court</b>
3 years 7 months	2 years 7 months	4 months

Leave granted.

2. The appellant-claimant(s) before us lay challenge to the judgment passed by the High Court of Judicature at Madras dated 30.06.2022 in C.M.A. No.3309 of 2021 whereby compensation under the provisions of the Motor Vehicles Act 1988 was denied.

3. Certain facts are not in dispute viz., **(a)** the claimants' predecessor in interest namely Ramamoorthy, having died in a motor vehicle accident, subject matter of present *lis*; and **(b)** the vehicle stood insured by the insurer namely Oriental Insurance Company Limited.

4. Certain issues such as **(a)** entitlement to compensation; **(b)** rash and negligent driving on the part of respondent no.1 are in dispute.

5. We have heard the learned counsel for the claimant-appellant(s) and Ms. Aishna Jain, the *amicus curiae*, who has ably assisted the Court in the present matter.

6. With the aforesaid facts, we proceed to decide the matter.

7. The deceased at the time of accident was 45 years of age and had an income Rs.2,65,000/- per annum. The Motor Accidents Claims Tribunal, Namakkal, *vide* its order dated 07.06.2019 denied compensation to the claimant-appellant(s) herein, for the reason **(i)** that the claimant-appellant(s) failed to prove the accident; **(ii)** that the driver of the offending vehicle was not examined; **(iii)** that it remained unproven as to who was driving the offending vehicle at the time of accident; and **(iv)** lastly, it was concluded that the claimant-appellant(s) and respondent no. 1 had colluded with the former with an intent of

illegally receiving the compensation and as such had not approached the Tribunal with clean hands.

**8.** The High Court, while dismissing the claimant-appellant(s) appeal concurred with the finding of the Tribunal, holding that the claimant-appellant(s) had failed to furnish any explanation for not examining the pillion rider of the motorcycle which was involved in the accident. Also, there were various contradictions about the name and address of the person driving the offending vehicle.

**9.** We are of the considered view, that the finding of fact as recorded by the Courts below was, in fact, erroneous and in complete disregard of the factual matrix. PW-2 Karthik, an independent witness to the incident, has categorically stated that the offending vehicle had abruptly emerged from the Samathuvapuram residential area. The said vehicle was moving at a very high speed and in a rash and negligent manner, without giving any signal or prior indication and, thereafter, collided with the two-wheeler driven by the deceased. He further deposed that the two-wheeler, which was being driven by the deceased, was slow and was moving in the assigned part of the road. The manner in which the offending vehicle entered the main road from the residential area, at a high speed and without any signal or caution, demonstrates reckless driving and utter disregard for all the traffic norms. In view of such evidence, it

would be erroneous to hold that the occurrence of the accident was not proven. The material on record sufficiently substantiates the fact that the accident took place due to the negligent act of the driver of the offending vehicle whose identity is also not disputed. The Courts below have not given due regard to such fact and thus erroneously rejected the claimant-appellant(s) claim for compensation.

10. In the present case, upon perusal of evidence on record before the Tribunal, as per Exhibit P-9, we deem it proper to accept the annual income of the deceased as Rs.2,65,000/- for adjudicating compensation which is just, fair and reasonable.

11. In our considered view, in the light of the decision of this Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors*<sup>1</sup>, and other decisions, the compensation payable to the claimant-appellant(s) would be as follows:

#### CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with
Monthly Income	Rs.22,083/-	
Yearly Income	Rs.2,65,000/-	
Future Prospects (25%) (Age being 45)	2,65,000 + 66,250 = Rs.3,31,250/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i>  (2017) 16 SCC 680 Para 37, 39, 41, 42 and 59.4
Deduction (1/4)	3,31,250 – 82,812 = Rs.2,48,438/-	
Multiplier (14)	2,48,438 X 14 = Rs.34,78,132/-	
Loss of Income of the	Rs.34,78,132/-	

<sup>1</sup> (2017) 16 SCC 680

Deceased		
Loss of Estate	Rs.18,150/-	<b>National Insurance Co. Ltd. v. Pranay Sethi</b> (2017) 16 SCC 680 <i>Para 59.8</i>
Loss of Funeral Expenses	Rs.18,150/-	
Loss of Consortium	48,400 X 4 = Rs.1,93,600/-	<b>National Insurance Co. Ltd. v. Pranay Sethi</b> (2017) 16 SCC 680 <i>Para 59.8</i> <b>United India Insurance Co. Ltd. v. Satinder Kaur,</b> (2021) 11 SCC 780 <i>Para 37.12</i> <b>Rajwati alias Rajjo and Ors v. United India Insurance Company Ltd. &amp; Ors.</b> 2022 SCC Online SC 1699 <i>Para 34</i>
Total		Rs.37,08,032/-

**12.** The said amount is to be directly remitted into the bank account of the claimant-appellant(s). The particulars of the bank account are to be immediately supplied by the learned counsel for the appellant(s) to the Insurance Company i.e. respondent No.2 herein. The amount to be remitted positively within four weeks from today, failing which interest on the said would be payable to the insurer @ 6% per annum from the date of filing of the original claim petition.

**13.** The Civil Appeal is allowed in the aforesaid terms.  
Pending application(s) if any shall stand disposed of.

..... **J.**  
**(SANJAY KAROL)**

..... **J.**  
**(PRASHANT KUMAR MISHRA)**

**New Delhi**  
**September 26, 2025**