



WEB COPY

CMA No. 793 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

AND

THE HON'BLE MRS.JUSTICE N. MALA

CMA No. 793 of 2026

AND

CMP NO. 8514 OF 2026

Reliance General Insurance Co. Ltd
TP Cell No.6, Reliance House,
Haddows Road, Nungambakkam,
Chennai 6.

..Appellant(s)

Vs

1. Gayathri
2. Yakshita (Minor)
(Minor Rep by Mother/NF 1st Respondent)
3. Kanmani
4. E. Munusamy

..Respondent(s)

PRAYER:Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 20.08.2024 made in MCOP No.5239 of 2021 on the file of Motor Accident Claims Tribunal (Chief Court of Small Causes) at Chennai.



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For Appellant(s):

Ms.R. Sree Vidhya

For Respondent(s):

Mr.U.Chithambaram Ror R1 To R3

R2- Minor rep by R1

Not ready in notice - R4

Judgment

(Judgment of the Court was delivered by P.T.Asha J.)

The Insurance Company, who is the 2nd respondent in the claim petition before the Motor Accident Claims Tribunal Chennai, (Chief Court of Small Causes) at Chennai in M.C.O.P.No.5239 of 2021, is the petitioner before this Court.

2. For the sake of easy understanding, the parties are referred to in the same array as before the Tribunal.

The petitioners are the wife, daughter and mother of the deceased Karthick. It is their case that on 18.11.2021 at about 18.00 hours when the deceased was riding a motorcycle bearing registration No.54 T 7042 and proceeding on KS Road, as he neared TJS Petrol Bunk, a lorry bearing registration No.TN 10 X 3969 coming in the same direction and driven in a rash and negligent manner, hit the motorcycle of the deceased, as a result of which the deceased had sustained grievous injuries and ultimately



succumbed to the same. The lorry belonged to the 1st respondent and the 2nd respondent was the insurer of the offending vehicle. The petitioner had, therefore, sought compensation of a sum of Rs.49,00,000/-.

3. The 1st respondent remained ex parte. The 2nd respondent had filed a counter statement *inter alia* denying the manner of the accident, the compensation claimed as also the mulcting of negligence on the driver of the 1st respondent's lorry.

4. The petitioners had examined three witnesses as P.W1 to P.W3 and marked 26 documents. On the side of the 2nd respondent, one witness was examined as R.W.1 and one document was marked as Ex.R1.

5. The Tribunal, after considering the evidence on record, held that the accident had occurred due to the negligence of the lorry driver and awarded a compensation of Rs.39,56,120/-. It is challenging this Award that the 2nd respondent-Insurance Company is before this Court.



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6. The main ground of challenge is with regard to negligence. The 2nd respondent would submit that the deceased had died due to a head injury. Had he worn a helmet, he would not have succumbed to the injuries. Therefore, it is his negligence that has caused the death.

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

8. A perusal of the Award passed by the Tribunal would clearly show that the manner in which the accident had taken place has been recounted by P.W3-the eye witness. The eye-witness has clearly spoken to the fact that the lorry was driven in a rash and negligent manner and that it is this rash and negligent driving of the lorry driver that had caused the death of the deceased. The FIR has also implicated the driver of the 1st respondent's lorry. The 1st respondent has not challenged the contents of the F.I.R. The police authorities have also filed their final report. The said report, coupled with the evidence of P.W3, supports the finding of the Tribunal with regard to negligence. We see no reason to disagree with the



said finding. Accordingly, the civil miscellaneous appeal is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

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(P.T.A.,J.) (N.M.,J.)
13-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

1. The Motor Accident Claims Tribunal,
Chief Court of Small Causes,
Chennai.

2. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai.



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**P.T.ASHA J.
AND
N.MALA J.**

SRN

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