



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 21-07-2026**

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**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**CMA Nos. 1082 & 1100 of 2019**

**AND**

**CMP Nos. 1910, 1911, 3045 & 3083 of 2019**

The Branch Manager,  
Royal Sundaram Alliance Insurance Co. Ltd.,  
D.B.Plaza, 3<sup>rd</sup> Floor, 4 Whites Road, Chennai 14

..Appellant(s)

Vs

1. Subhashni  
W/o R.K.Sivakumar  
No.111, Kulathurmettu Street, Kallakurichi.
2. Ashwath Kumar  
S/o.R.K.S.Ashwathkumar,  
R2 is declared as major and his next friend  
Guardian R1 Subhashni is discharged from  
Guardianship of R2 vide Court order dated  
14/11/2024 made in CMP No.21400 and 21379  
of 2024.
3. Saroja  
W/o Kumarasamy,  
No.111, Kulathurmettu Street, Kallakurichi.
4. Kumarasamy  
S/o Ramasamy  
No.84/2, Indira Colony, Ashok Nagar,  
Chennai 83.

..Respondent(s)

**CMA No. 1100 of 2019**

The Branch Manager  
Royal Sundaram Alliance Co., Ltd., D.B.Plaza, 3<sup>rd</sup>  
Floor, 47 Whites Road, Chennai.

..Appellant(s)



Vs

1. Minor Mithilesh

S/o Murugan,

Aged about 8 months, represented by N/F  
Guardian Mother T.Abarna, Residing At  
No.327, 3<sup>rd</sup> Main Road, Jayendhrar Nagar,  
Sempakkam, Chennai 73 and Now at No.111,  
Kulathu Mettu Street, Kallakurichi.

2. Kumarasamy

S/o Ramasamy

No.84/2, Indira Colony, Ashok Nagar,  
Chennai 83.

..Respondent(s)

**CMA No. 1082 of 2019**

PRAYER: Civil Miscellaneous Petition filed under section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 12-04-2018 made in MCOP No.564 of 2012 on the file of Motor Accident Claims Tribunal (III Additional District Court) Kallakurichi.

**CMA No. 1100 of 2019**

PRAYER: Civil Miscellaneous Petition filed under section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 12-04-2018 made in MCOP No.566 of 2012 on the file of Motor Accident Claims Tribunal (III Additional District Court) Kallakurichi.

For Appellant(s): Mr.K.Vinod

For Respondent(s): R1 – unclaimed  
R2 – Notice returned  
R3 & R4 – No appearance



## **JUDGMENT**

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These appeals have been filed by the Insurance Company against the common award passed in M.C.O.P.Nos.564 & 566 of 2012 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Kallakurichi, dated 12.04.2018.

2. The case of the claimants is that on 12.12.2010, the deceased R.K.Sivakumar was driving the Tata Indica Car and was returning to Kallakurichi on the Thiruvannamalai – Kallakurichi Road, and at about 12.00 hours, a person is said to have crossed the road suddenly, as a result of which the deceased was not able to control the car and it dashed on a tamarind tree. The deceased died on the spot. Apart from the deceased, one of the occupants in the car also died and the other occupants sustained grievous injuries. It is under these circumstances, six claim petitions came to be filed before the Motor Accident Claims Tribunal, Kallakurichi. The subject matter of these appeals are M.C.O.P.Nos.564 of 2012 and 566 of 2012.

3. This Court heard Mr.K.Vinod, learned counsel appearing on behalf of the appellant – Insurance Company.

4. This Court carefully considered the materials available on record. This Court also carefully went through the award passed by the Tribunal.

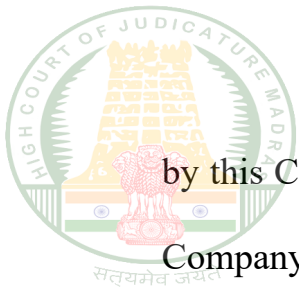


5. The appeals arising out of the connected claim petitions were dealt with by this Court in C.M.A.Nos.1092, 1096, 1176 and 1465 of 2019. This Court took into consideration the fact that the policy covered totally five persons including the driver. Accordingly, the four claim petitions which were the subject matter in those appeals were dealt with and the award passed by the Tribunal was confirmed while dismissing the appeals by order dated 22.11.2024.

6. The present appeals were also listed before this Court. However, since the owner of the vehicle died, this Court did not deal with these appeals to enable the appellant to take steps to implead the legal representatives of the owner of the vehicle.

7. The bone of contention in these appeals is as to whether the Insurance Company can be made liable to pay the compensation beyond the four passengers covered under the policy. It is in view of the fact that the driver of the vehicle was found to be the tortfeasor and he is none other than the son of the owner of the vehicle.

8. In the light of the fact that the entire liability of the Insurance Company is confined to four persons, who are the occupants of the car, and the compensation that was awarded to those four claimants was already confirmed



by this Court by dismissing the connected appeals, the liability of the Insurance Company comes to an end.

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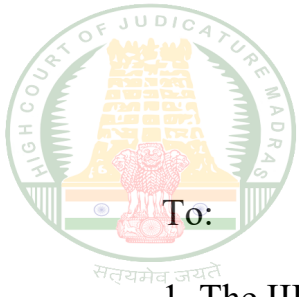
9. Insofar as the liability of the Insurance Company with respect to the legal heirs of the deceased driver is concerned, it is found that the deceased driver was the tortfeasor in this case and therefore, the Insurance Company cannot be mulcted with the liability.

10. The order passed by this Court in C.M.A.Nos.1092, 1096, 1176 and 1465 of 2019, dated 22.11.2024, brings to an end the entire liability of the Insurance Company under the policy. Hence, this Court holds that the appellant Insurance Company is not liable to pay compensation. Insofar as M.C.O.P. Nos.562 & 566 of 2012 are concerned, and the findings rendered by the Tribunal otherwise is hereby set aside and both the appeals stands allowed. Any amount deposited by the appellant - Insurance Company shall be permitted to be withdrawn with accrued interest, if any.

**21-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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To:

1. The III Additional District Judge,  
Motor Accident Claims Tribunal,  
Kallakurichi.

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



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CMA Nos.1082, 1100 & 3083 of 2



**N.ANAND VENKATESH J.**

**SSI**

**CMA Nos.1082 & 1100 of 2019  
AND  
CMP Nos.1910, 1911, 3045 & 3083 of 2019**

**21-07-2026**