



WEB COPY

CMA No. 945 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 945 of 2023

AND

CMP NO. 8675 OF 2023

1. The Divisional Manager

The New India Assurance Co. Ltd,
Amman Complex, 1st Floor, EVN
Road, Erode Town Taluk and District.

Appellant(s)

Vs

1. Muniappan

S/o. Arumugam, D.No. 5/49,
Virumandampalayam, Elavamalai
Village, Erode Taluk and District.

2.Sellammal

W/o. Muniappan, D.No. 5/49,
Virumandampalayam, Elavamalai
Village, Erode Taluk and District.

3.Minor. Kavitha

D/o. Muniappan, D.No. 5/49,
Virumandampalayam, Elavamalai
Village, Erode Taluk and District.
(Minor rep. by her guardian / father
Muniappan)



4.R. Manikandan

S/o. Rasu, D.No. 2-242-54,
Karattupudur, Chinnapuliyur Post,
Bhavani Taluk, Erode District.

5.The Principal

Mothers Matriculation School, Palaiyur,
Kalingarayanpalayam, Bhavani, Erode
Taluk and District.

Respondent(s)

CMA No. 945 of 2023

PRAYER

To set aside the Decree and Judgement dated 09th day of June, 2022 made in MCOP.NO. 59 of 2018, on the file of Motor Accident Claims Tribunal (IV Additional District and Sessions Court) Erode.

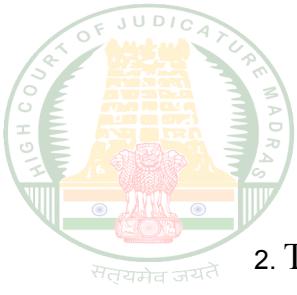
CMA No. 945 of 2023

For Appellant(s): S.Dhakshnamoorthy

For Respondent(s): R.Prabakar For R1to R3 R4 And
R5 - No Appearance

JUDGMENT

This Civil Miscellaneous appeal has been filed to set aside the Decree and Judgement dated 09th day of June, 2022 made in MCOP.NO. 59 of 2018, on the file of Motor Accident Claims Tribunal (IV Additional District and Sessions Court) Erode(in short"tribunal").



2. The brief facts of the case:

WEB COPY

On 28.10.2017 at about 08.45 A.M., deceased Priya was travelling in the TNSTC bus bearing Registration No. TN-33-N-2068 Route No.35C, which was proceeding on the left side of Elavamalai to Bhavani Main Road towards west to east direction and when the bus was nearing E.N.Ramasamy house at Mamarathu thottam, at that time, the first respondent who drove the Mothers Matriculation School bus bearing Registration No. TN-52-Z-3799 from the opposite direction in a rash and negligent manner and hit against the bus and caused the accident due to which the deceased sustained greivous injuries and died.

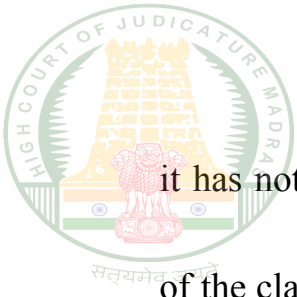
3. The learned counsel for the petitioner submits that post-mortem report clearly states that cause of the death was due to Thrombocyotpenia with acute renal failure and it does not have any nexus to the alleged accident and also victim suffered injury only in the ankle. However, without any scientific reasoning, tribunal fixed liability on the respondent and awarded compensation. Further, award passed by the tribunal is against the principle laid down by the Honourable Apex Court. Hence, he prays to set aside the findings of the



WEB COPY

4. The learned counsel for the respondent submits that after the accident the deceased was admitted in the Government Hospital, Erode, at that time she sustained head injury for that, the proper treatment was given. Thereafter, she taken to Government Hospital, Salem for further treatment within a five days from the date of accident she was died. Further, in the Post mortem report it is mentioned that there is contusion in the brain, there was 20 ml little yellow colour fluid found in the thoracic cavity. Further, the pointed out that due to the said accident she sustained head injuries and other abnormalities was caused. Therefore, considering above, the tribunal concluded that reason for the death is accident, and other abnormalities were caused due to the accident. Hence, the tribunal has rightly awarded compensation which needs no interference.

5. Heard the submissions of the learned counsel for the parties. It is an admitted fact that deceased Priya sustained injuries due to the accident on 28.10.2017 and she was admitted in the Government Hospital, Erode, where CT scan was taken and thereafter she referred to Government Hospital, Salem for further treatment. According to the claimant, she was sustained head injury and



WEB COPY

it has not been properly treated and Doctor was examined as PW.4 on the side of the claimant and the doctor also admits that no treatment was given to her for head injury but as per the post mortem report there is contusion in the brain and yellow colour fluid found in thoracic cavity. So there is other abnormalities also found in the body of the deceased. As per the post mortem report cause of the death is due to the acute renal failure but there is no proof that the deceased Priya was suffered with such disease before the accident, only after the accident she was aggravated with all these abnormalities. Therefore, the tribunal has rightly concluded that the deceased was died due to the injury sustained in the accident. Hence, this Court does not find any reason to interfere with the findings of the tribunal. Accordingly, this appeal is dismissed as no merits. No Costs. Pending petition(s), if any, is/are closed. Further, the appellant is directed to deposit the award passed by the tribunal within a period of four weeks from the date of receipt of a copy of this judgement.

05-06-2025**pbl**



CMA No. 945 of 2023

WEB COPY

To

1.Muniappan

S/o. Arumugam, D.No. 5/49,
Virumandampalayam, Elavamalai
Village, Erode Taluk and District.

2.Sellammal

W/o. Muniappan, D.No. 5/49,
Virumandampalayam, Elavamalai
Village, Erode Taluk and District.

3.Minor. Kavitha

D/o. Muniappan, D.No. 5/49,
Virumandampalayam, Elavamalai
Village, Erode Taluk and District.
(Minor rep. by her guardian / father
Muniappan)

4.R. Manikandan

S/o. Rasu, D.No. 2-242-54,
Karattupudur, Chinnapuliyur Post,
Bhavani Taluk, Erode District.

5.The Principal

Mothers Matriculation School, Palaiyur,
Kalingarayanpalayam, Bhavani, Erode
Taluk and District.

6. The Section Officer, V.R Section,
High Court, Madras.

7. The Motor Accident Claims Tribunal
(IV Additional District and Sessions
Court) Erode



WEB COPY

CMA No. 945 of 2023





WEB COPY

CMA No. 945 of 2023



T.V.THAMILSELVI J.

**CMA No. 945 of 2023
AND CMP NO. 8675 OF
2023**

05-06-2025