



C.M.A(MD)NO.1080 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.11.2025

CORAM:

THE HON'BLE MS JUSTICE R.POORNIMA

C.M.A(MD)No.1080 of 2014

and

M.P(MD)No.3 of 2014

The Branch Manager,
The Oriental Insurance Company Limited,
Sivakasi Town,
Virudhunagar Town. ... Appellants/Second Respondent

.Vs.

Selvaraj(died)

1.Vijayalakshmi

2.Minor Sathiya Priya

3.Minor Tamilarasi

4.Aerammal(died)

(Respondents 1 to 4 are impleaded as per order in I.A.No.146 of
2009, dated 18.6.2009) ... Respondents 1 to 4/Petitioners
2-5

5.Selvaraj ...5th Respondent/Ist Respondent

(Memo, dated 20.6.2016 in U.S.R.No.2970 is recorded as R4 died



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and R1 to R3 who are already on record, are recorded as Lrs of the deceased R4 as per order of this Court made in C.M.A(MD)No. 1080 of 2014, dated 17.09.2025)

(5th respondent remained exparte before the Lower Court)

PRAYER:Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the award made in M.C.O.P.NO. 69 of 2008, dated 2.9.2010, on the file of the Motor Accidents Claims Tribunal cum Sub-Judge, Aruppukkottai.

For Appellants : Mr.E.Chandrasekaran

For Respondents : Mr.T.A.Ebenezer
1 to 3

For Respondent-4 : Died

For Respondent-5 : Dismissed as abated

JUDGMENT

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This Civil Miscellaneous Appeal is filed by the appellant Insurance Company challenging the award M.C.O.P.NO.69 of 2008, dated 2.9.2010, on the file of the Motor Accidents Claims Tribunal cum Sub-Judge), Aruppukkottai.

2.The main ground urged in the appeal is that the claimant



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passed away only after four months after the date of accident and it has not been established that his death was directly attributable to the injuries sustained in the accident and contended that the income fixed at Rs.6000/- p.m. is on the higher side and the same is liable to be set aside.

3.On perusal of the records, it is seen that the accident occurred on 20.3.2008.The claimant was admitted at Jawahar Hospital , Madurai on 2.4.2008, underwent surgery on 11.4.2008 and was discharged on 30.4.2008. It is evident from Ex.P2 that the claimant was initially treated at the Government Rajaji Hospital, Madurai and thereafter, continued the remaining treatment at Jawahar Hospital, Madurai until the discharge on 30.4.2008. Further Ex.P6, the Medical Bill issued by VMS Hospital shows that the claimant was admitted on 2.8.2008 and discharged on 15.8.2008.Therefore it stands clearly established that the deceased having sustained injuries in the accident, was continuously undergoing treatment for those injuries. There is no contra evidence produced by the appellant to show that his death occurred due to any other intervening disease or independent cause. Further the documents contended that the deceased was working as a Mason and derived income of Rs.6000/-pm., and the Tribunal has taken note of it and rightly fixed the monthly income



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at Rs.6000/-p.m which cannot be considered on the higher side.

And therefore, the award does not warrant any interference by this Court.

4.In the result, the Civil Miscellaneous Appeal is dismissed and the award in M.C.O.P.NO.69 of 2008, dated 2.9.2010, on the file of the Motor Accidents Claims Tribunal cum Sub-Judge, Aruppukkottai is confirmed. In all other aspects, the order of the Tribunal stands good. No costs. Consequently, connected Miscellaneous Petition is closed.

14.11.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

The Sub-Judge,
(The Motor Accidents Claims Tribunal),
Aruppukkottai.

Copy to

4/6



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The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

R.POORNIMA.,J.

vsn



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JUDGMENT MADE IN

C.MA(MD)No.1080 of 2014

and

M.P(MD)No.3 of 2014

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