



C.M.A.No.1016 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.1016 of 2026

&

C.M.P.No.10191 of 2026

Reliance General Insurance Company Ltd.,
No.6, Reliance House
Haddows Road, Nungambakkam
Chennai – 600 006

... Appellant

vs

Kutty Ezhumalai (Deceased)

1. Kavitha
2. Gokulraj
3. Arasu (Minor cum son of the deceased)
Represented by Mother and Guardian
Kavitha
4. Kaviyaponni
Represented by Mother and Guardian Kavitha

(Amended as per order passed in
M.P.No.6 of 2024 dated 28.08.2024)

5. Mr.Vijayakumar

... Respondents



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Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 20.08.2025 made in M.A.C.T.O.P.No.1 of 2018 on the file of MACT, II Special Judge, Court of Small Causes, Chennai.

For Appellant : Mr.G.Vasudevan

For Respondent : Mr.Amar Dineshbhai Pandiya
For R1 to R4
R3 and R4 are represented by R1

JUDGMENT

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

This appeal had been filed by the appellant Insurance Company questioning the quantum of compensation awarded by the Motor Accident Claims Tribunal, II Special Judge, Court of Small Causes, Chennai, vide order dated 20.08.2025 made in M.A.C.T.O.P.No.1 of 2018.

2. Originally M.C.O.P.No.1 of 2018 had been filed by one Kutty Ezhumalai as claimant seeking compensation for the injuries suffered by him in a motor accident which occurred on 21.09.2017. It is stated that on 21.09.2017 at about 04.30pm, when said Kutty Ezhumalai was travelling as an occupant in a car bearing Registration No.KA 51 MB 7737, the driver of the car drove the car in a rash and negligent manner due to which he lost



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control and hit against a tamarind tree and in the said accident, the deceased sustained greivous injuries and despite taking treatment, he died on 15.11.2019. Hence, a claim petition was filed claiming compensation of Rs.20,00,000/-.

3.Pending claim petition, the claimant died on 15.11.2019.

4.Stating that his death was a direct result of the injuries suffered in the accident, his legal representatives namely, claimants 2 to 5 had been impleaded to further prosecute the claim petition by order dated 28.08.2024 in M.P.No.6 of 2024.

5. Resisting the claim made by respondents 2 to 4/claimants, appellant filed counter *inter alia* contending that the accident had not occurred in the manner as projected by respondents/claimants. Appellant also denied the age, occupation, income of the deceased and place of accident in the claim petition.

6. Before the Tribunal, on the side of the claimants, three witnesses were examined as PWs 1 to 3 and Exs.P1 to P32 were marked through PW1 and Exs.W1 to W10 were marked through PWs 2 and 3. On the side of the



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respondents, no witness was examined and no document was marked.

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7. On the basis of the pleadings, the Tribunal framed the following issues:

i) Whether the injuries suffered by the husband of the Claimant No.2 was due to the accident which took place on 21.09.2017 at about 16.30 hours due to the rash and negligent driving of the driver of the car bearing Registration No.KA 51 MB 7737?

ii) Whether the first claimant died due to the injuries sustained by him in the accident? If so, whether he is entitled to get compensation?

iii) Who is entitled to pay the compensation and to what extent?

iv) To what other relief the claimants are entitled?

8. The Tribunal, based on the oral and documentary evidence held that the accident had taken place only due to the rash and negligent driving of the car in which the deceased was the occupant and the first respondent, being



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the owner of the vehicle and second respondent being the insurer of the vehicle are jointly or severally liable to pay the compensation. The Tribunal granted the following compensation:

Loss of Dependency	-	Rs. 25,89,300/-
Loss of Consortium	-	Rs. 40,000/-
Loss of Estate	-	Rs. 15,000/-
Funeral Expenses	-	Rs. 15,000/-
Loss of Parental Consortium	-	Rs.1,20,000/-
Medical Expenses	-	Rs.2,13,496/-
Transportation	-	Rs. 6,200/-
Total		Rs.29,98,996/-
Rounded off to		Rs. 29,99,000/-

Aggrieved over the said judgment, the appellant Insurance Company is before this Court.

9. The learned counsel for the appellant Insurance Company submitted that the accident had taken place on 21.09.2017 and the claimant took treatment for the D4 fracture and Thoracic spine injury sustained by



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him and was discharged from the hospital. Learned counsel submits that since the first claimant viz., Kutty Ezhumalai died after the period of two years and when there is no proof for taking continuous treatment, there is no proximity between injuries sustained by him in the accident and the cause of death. It is the further submission of the learned counsel for the appellant Insurance Company that, the accident had taken place due to the negligent driving of the car in which the deceased was travelling.

10. The claimants are on caveat and heard the learned counsel for the caveator also.

11. We have heard the arguments advanced on both sides and perused the materials available on record.

12. It is not in dispute that the deceased viz., Kutty Ezhumalai sustained injuries in the accident which took place on 21.09.2017. The Tribunal, on appreciation of first information report (Ex.P1) and Exs.P2 to P17, held that the accident had occurred only due to the rash and negligent manner in which, the car was driven by the driver of the car and it was therefore, stated that only owing to that particular aspect, the accident had occurred. Insofar as the submission of the learned counsel for the appellant



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that there is no proximity between the injuries sustained by the deceased and the cause of death, we find that the Tribunal, on appreciation of Exs.W1 to W10, which were marked through PW2 and PW3 held that due to the accident the deceased sustained spinal injuries on D3 and D4 bones and he underwent surgeries and rod was inserted in D2 to D5 bones and at the time of discharge, there was loss of sensation below the hip and his movements were also restricted. The Tribunal also held that the deceased could have died due to block in the blood vessels, bed sour and urinary infection and held that as the claimant suffered 90% disability due to the accident, that was the cause of death. The other ground raised by the learned counsel for the appellant that the deceased was only the occupant in the car and hence, they are not liable to pay the compensation. This Court is not unable to accept the said submission in view of the fact that the policy was taken for the period from 27.04.2017 to 26.04.2018 and the Tribunal also held that first respondent being the owner of the Car and the second respondent being the Insurer of the car, are jointly or severally liable to pay the compensation. We find no infirmity in the award passed by the Tribunal.



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Accordingly, this Civil Miscellaneous Petition is dismissed confirming the award dated 20.08.2025 in M.A.C.T.O.P.No.1 of 2018 passed by the MACT, II Special Judge, Court of Small Causes, Chennai. The appellant Insurance Company is directed to deposit the compensation amount of Rs.29,99,000/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, claimants are entitled to withdraw their respective shares, as apportioned by Tribunal, together with interest, on due application. No costs. Consequently, the connected miscellaneous petition is closed.

Index: Yes/No
Internet: Yes/No
gpa

[C.V.K., J] [K.R.S., J]
17.04.2026



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To

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1. The Motor Accident Claims Tribunal
II Special Judge, Court of Small Causes
Chennai
2. The Section Officer
VR Section, Madras High Court



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