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C.M.A.No.3025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.3025 of 2025

&

C.M.P.No.25488 of 2025

&

C.M.P.No.1496 of 2026

The Manager

M/s. Bajaj Allianz General Insurance Co. Ltd.,

Isana Kattima Building, 5th Floor

New No.497 & 498, Poonamallee Road

Arumbakkam, Chennai – 600 106

... Appellant

Versus

Rangasamy (Died)

1. Nirmala

2. Vignesh

3. Subramani

4. M/s.Anai Corp.

No.295, GNT Road, Peravallur Village

Chinnambedu, Poneeri

Chennai – 601 204

... Respondents



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Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against judgment and decree dated 21.06.2025 made in M.C.O.P.No.3966 of 2017 on the file of Motor Accidents Claims Tribunal, II Judge, Court of Small Causes, Chennai.

For Appellant : Mr.S. Arun Kumar

For Respondents : Mr.Amar D. Pandiya
for R1 to R3

R4 – Court notice returned as left

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, the Insurance Company has filed the above appeal.



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2. The parties are referred to by their respective ranks before the Tribunal.

3. The brief facts of the case is as follows:

On 07.04.2017, at about 19.30 hours, when the deceased was going as a pedestrian on the Peravallur Jawahar Nagar main Road, a Low Good Vehicle bearing Registration No.TN 18 F 2909, came in a rash and negligent manner hit against the deceased, due to which he fell down and sustained multiple injuries and despite treatment, he died on 22.09.2017. A criminal case was also registered against the driver of the vehicle in Crime No.117 of 2017. According to the claimants, the deceased was aged about 54 years and was earning Rs.750/- per day.

4.The second respondent Insurance Company denied the income of the deceased and stated that the deceased was solely responsible for the accident and hence, they are not liable to pay the compensation.



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5. On the side of the claimants, PW1 to PW4 were examined and Exs.P1 to P25 were marked and on the side of the second respondent Insurance Company, RW1 was examined and no exhibits were marked.

6. The Tribunal, after appreciation of evidence of PW3 and Ex.P5- Charge sheet filed against the driver of the offending vehicle, came to the conclusion that negligence is on the part of the driver of the first respondent,. The tribunal also recorded the fact that there is no contra evidence produced by the Insurance Company to show that the accident has not occurred due to the negligence of the first respondent's driver.

7. It is the main contention of the appellant Insurance Company that there is no nexus between the injuries and cause of death, as according to learned counsel, the deceased sustained multiple injuries on 07.04.2017 and he died only on 22.09.2017. Learned counsel further submitted that the deceased was admitted in the hospital from 08.04.2017 to 12.04.2017 and he had undergone surgery and plate was implanted and he was once again admitted from 18.05.2017 to 02.06.2017 and the discharge summary dated



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22.06.2017 clearly indicates that there is infection due to the own action of the deceased and he has not followed the medical advice properly and the claimants have also not produced the proof for cause of death.

8. Per contra, the learned counsel for Respondents 1 to 3 submitted that the death was due to Guillain Barea Syndrome and during cross examination PW2 doctor has opined that only due to the infection, Guillain Barea Syndrome had occurred and that was the cause for the death.

9. We have perused the entire materials placed on record.

10. The manner of accident and negligence aspect is not in dispute and the injuries sustained by the deceased is also not in dispute. It is also not in dispute that the deceased underwent major surgeries and plates were implanted and he was treated as an inpatient in the hospital but the only contention of the learned counsel for the appellant Insurance Company is that there is no nexus between the injuries and cause of death. It appears from the evidence that even after second surgery, the infection could not be set right and hence, plate was fixed externally. Though it is submitted by the



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learned counsel for appellant Insurance Company that the deceased has not followed the medical advice properly, which led to the infection and died due to Guillain Barre Syndrome, it is relevant to note that the deceased underwent surgeries twice and there were postoperative infections. Therefore, merely because the deceased developed autoimmune disorder during treatment, it cannot be said that the death is only due to autoimmune disorder. Therefore, the contention of the Insurance Company that there was no nexus between the injuries and cause of death cannot be countenanced. The evidence of PWs 2 and 4 clearly show that complication has arisen only due to postoperative infection. Therefore, merely because the deceased suffered autoimmune disorder at the relevant point of time, it cannot be said that the death was not due to injuries. We are of the view that there is no merit in the appeal and the same is liable to dismissed.

Accordingly, this Civil Miscellaneous Appeal is dismissed. Appellant Insurance Company is directed to deposit the amount, less the amount already deposited within a period of three weeks from the date of receipt of a copy of this order. On such deposit, the claimants are permitted to withdraw amount as apportioned by the Tribunal. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.



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[N.S.K.,J.] [R.S.V.,J.]
03.02.2026

Index: Yes/No
Neutral Citation: Yes/No
gpa

To

The Motor Accidents Claims Tribunal,
II Judge, Court of Small Causes, Chennai



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