



WEB COPY

CMA No. 1849 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1849 of 2026

and

CMP No.14833 of 2026

Reliance General Insurance Company Ltd.,
No.43B, 2nd Floor,
Shri Abirami Towers,
Cowley Brown Road,
RS Puram, Coimbatore.

..Appellant(s)

Vs

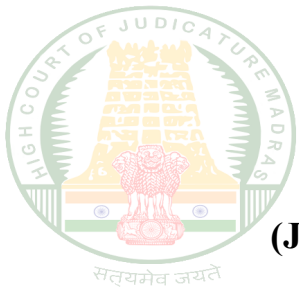
1. Dhanalakshmi
2. Minor J. Anushri
Rep. by her mother Guardian
J. Dhanalakshmi.
3. S. Raja
4. Mercy Raja

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, to set aside the order dated 17-02-2025 passed in MCOP.No.147 of 2022 on the file of the Exclusive MACT, Tiruppur.

For Appellant(s): Mr.P.Suresh Srinivasan

For Respondent(s): Mr.P.Saravanan
for R1 & R2



JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

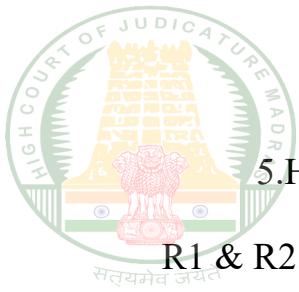
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This appeal has been filed by the Insurance Company challenging the Award dated 17.02.2025 passed by the Exclusive MACT, Tiruppur in MCOP No.147 of 2022.

2.On 13.03.2020 at about 8.00 a.m., when the deceased Jeevakumar was riding pillion in the motorcycle bearing registration No.TN46 M 0146 driven by one Sabari, near DMD Nagar Extension, on the Palladam to Mangalam Road, a Renault Kwid Car bearing registration No.TN42 AC 4486, driven in a rash and negligent manner suddenly turned from left to right without any signal or indicator resulting in the motorcycle hitting the front door of the Car. The victim suffered grievous injuries and was treated at Ponni Hospital, Palladam, KMCH, Sulur and CMCH, Coimbatore, and consequently, died on 15.03.2020.

3.The claim petition was contested by the Insurance Company. However, the Tribunal held that it was a case of composite negligence of the driver of the Car and the rider of the motorcycle and directed the Insurance Company to pay compensation to the claimants with liberty to sue the other joint tort feors in an independent proceedings, after the passing of the decree or Award.

4.Aggrieved over the same, this appeal has been filed by the Insurance Company.



5. Heard the learned counsel for the appellant and the learned counsel for R1 & R2.

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6. The learned counsel for the appellant questioned the Award granted on the aspect of contributory negligence. The deceased was a pillion rider. He claimed that the insured vehicle was travelling at 8.00 a.m. and took a right turn, while that the two wheeler in which the deceased was riding came and dashed in the front portion of the insured vehicle. It is contended that the accident happened at 8.00 am. and therefore, there was full visibility. But however, the fact that driver of the offending vehicle had taken a sudden turn cannot be denied. Moreover, to speak about the accident, the appropriate witness would have been the driver of the insured vehicle. For strange reasons, he has not been examined as a witness. The appellant Insurance Company has not examined any witness on their side to speak about the nature of the accident.

7. In view of the same, we do not agree with the contention of the learned counsel for the appellant. The Award dated 17.02.2025, passed by the Exclusive MACT, Tiruppur in MCOP No.147 of 2022, is confirmed. The Civil Miscellaneous Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
19-06-2026

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



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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To

The Exclusive MACT,
Tiruppur.

CMA No. 1849 of 2026

19-06-2026