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CMA No. 1829 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1829 of 2026

AND

CMP NO. 14551 OF 2026

The Reliance General Insurance Co Ltd
Legal Manager,
Building No.10 and 11,
Chennai City Center,
No.13, 5th Floor,
RK Road, Mylapore, Chennai 4.

..Appellant(s)

Vs

1. Abirami
W/o.Late.Manikandan, No.90, Ayyanar Koil
street, Kilmannur atchipakkam,
Villupuram 604 101.
2. Minor. M. Vedhesh
S/o. Manikandan,
No.90, Ayyanar Kovil Street,
Kilmannur,
Atchipakkam,
Villupuram 604 101.
(Minor Rep by their Mother and Next Friend
1st Respondent herein)
3. Minor. M. Sanjana
D/o. Manikandan,
No.90, Ayyanar Kovil Street,
Kilmannur,
Atchipakkam,
Villupuram 604 101.
(Minor Rep by their Mother and Next Friend
1st Respondent herein)



4. Gowri
W/o. Late Sekar,
No.90, Ayyanar Kovil Street,
Kilmannur,
Atchipakkam,
Villupuram 604 101.

5. Veeramuthu
S/o. Thangavel,
No.75/38, 4th Street,
MGR Nagar,
Kodungaiyur,
Chennai 118.

..Respondent(s)

PRAYER : Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the order dated 13.08.2025 passed in MCOP No.2857 of 2024 on the file of MACT Chief Judge, Court of Small Causes, Chennai.

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

For Respondent(s): Mr.Amar D.Pandiya For R1
R2 & R3 minor, rep by R1

Judgment

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

The second respondent in MCOP No.2857 of 2024, aggrieved by the award dated 13.08.2025 passed by the Motor Accident Claims Tribunal / Chief Judge, Court of Small Causes, Chennai, has filed the present Appeal.



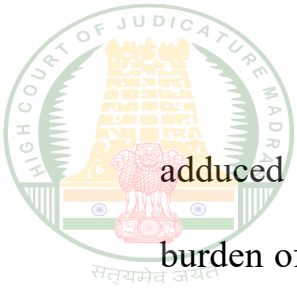
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2. The deceased Manikandan, on 04.02.2024 at about 16.15 hrs, was riding a two wheeler bearing Registration No.TN 16 H 7431 on the Trichy-Chennai National Highway, proceeding from Ongur to Aathur Tolgate, near Kuberar Temple. At that time, a Tata Ace bearing Registration No.TN 05 CP 7015 was driven in a rash and negligent manner, suddenly took a left turn without any indication and hit against the two wheeler of the deceased and thereby, the deceased was thrown out on the iron pipe that was placed near the said Kuberar Temple, sustained fatal injuries and succumbed to death. Hence, the legal heirs of the deceased filed MCOP.No.2857 of 2024 under Section 166 of the Motor Vehicle Act, before the Tribunal seeking compensation of Rs.2,50,00,000/-.

3. Heard both sides.

4. The learned counsel for the appellant very strenuously argued that the vehicle in which the deceased was travelled, did not maintain the safe distance and contributed to the occurrence of the accident. Therefore, he urged that contributory negligence should be fixed on the deceased.

5. No oral or documentary evidence has been adduced by the appellant to substantiate the plea of contributory negligence and no contra evidence has been



adduced to speak about the nature of the accident. It is settled in law that the burden of proving contributory negligence lies upon the party alleging it. In the present case, the appellant has failed to discharge such burden by producing any reliable evidence. Hence, the plea of contributory negligence deserves to be rejected.

6. The Tribunal, upon appreciation of the oral and documentary evidence, rightly determined the nature of the accident and concluded that the insured vehicle suddenly turned left side without any signal or indication and collided with the vehicle of the deceased, thereby caused accident. Hence, we are of the view that the award passed by the Tribunal requires no interference from this Court. Accordingly, we reject the contention of the Insurance Company that the deceased is responsible for the accident and they are not liable to pay compensation.

7. Accordingly, this Civil Miscellaneous Appeal stands dismissed and the amount awarded by the Tribunal together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit is confirmed. The appellant is directed to deposit the entire award amount, after deducting any amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their respective shares, as apportioned by the Tribunal, by filing



appropriate applications. No costs. Consequently, connected miscellaneous petition is closed.

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(C.V.K.,J.) (K.R.S.,J.)
18-06-2026

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

GSK

To

MACT Chief Judge,
Court of Small Causes, Chennai.



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

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