

C.M.A(MD)No.468 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No.468 of 2026
and
C.M.P.(MD).No.4700 of 2026**

M/s. Reliance General Insurance Company Limited
by its Branch Manager,
having office at
Sri Lakshmi Complex, 1st floor,
Omalur Main Road,
Bharathi Street,
Sornapuri,
Salem-638 004.

... Appellant

Vs.

1.Nirmala Devi

2.Kiruthiga

3.Minor Swathi

4.Minor Rajesh

1/7



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(Minor Respondent Nos.3 and 4 represented by their mother and next friend 1st respondent / Nirmala Devi)

5.K.Udayappan

... Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the fair order and decretal order dated 06.12.2024 passed in M.C.O.P.No.492 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruchirappalli and allow the Civil Miscellaneous Appeal.

For Appellant : Mrs.K.R.Shivashankari

J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

The appeal has been filed challenging the award passed by the Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruchirappalli, made in M.C.O.P.No.492 of 2020 dated 06.12.2024.



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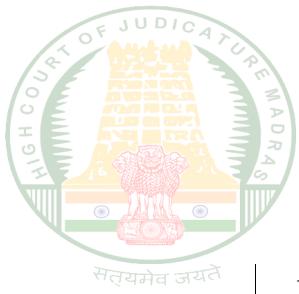
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2. The respondent Nos.1 to 4 are the claimants. The case of the claimants is that on 25.03.2019 at about 02.15 p.m., the deceased was travelling as a vegetable goods owner to sell the vegetables in the market and the vehicle belonging to the first respondent was driven in a rash and negligent manner, as a result, it dashed on the vehicle of the deceased and he died on the spot due to the injuries sustained by him. It is under these circumstances, the claim petition came to be filed by the wife and children of the deceased.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had happened only due to the rash and negligent driving on the part of the first respondent vehicle's driver.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation of Rs.22,06,000/- in the following manner:

S.No	Heads under which compensation awarded	Amount
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1.	Loss of Dependency	Rs.14,40,000/-
2.	Future Prospectus	Rs.5,76,000/-
3.	Loss of Consortium	Rs.40,000/-
4.	Love and Affection	Rs.1,20,000/-
5.	Funeral Expenses	Rs.15,000/-
6.	Loss of Estate	Rs.15,000/-
	Total	Rs.22,06,000/-

5. The above compensation was directed to be paid by the appellant with interest at the rate of 7.5% per annum to the claimants. Aggrieved by the same, the present Civil Miscellaneous Appeal has been filed by the appellant / Insurance Company.

6. The main ground that was urged by the learned counsel appearing for the appellant is that the deceased was travelling in his goods vehicle as a gratuitous passenger and not as the owner. Therefore, the Tribunal went wrong in fixing the liability against the appellant / Insurance Company.



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7. A careful reading of the award passed by the Tribunal and on appreciation of the evidence of P.W.2, R.W.1 to R.W.3, the Tribunal has held that the deceased was travelling in the vehicle only as the owner of the goods along with the vegetable bags and that the appellant / Insurance Company have not examined any independent witness to prove their stand. Even the finding rendered by the Tribunal does not suffer from any perversity or illegality. Apart from the above, the Tribunal has fixed a reasonable compensation which also does not warrant the interference of this Court.

8. In the light of the above discussion, we do not find any ground to entertain this appeal and this civil miscellaneous appeal stands dismissed. There shall be a direction to the appellant / Insurance Company to deposit the entire compensation along with interest to the credit of M.C.O.P.No.492 of 2020 on the file of the Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruchirappalli, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous



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Petition is closed.

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[N.A.V., J.]

[K.K.R.K., J.]

10.04.2026

NCC :Yes/No

Index :Yes/No

TSG

To

1.The Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruchirappalli.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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AND
K.K.RAMAKRISHNAN,J.

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