



C.M.A(MD)No.417 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2026

CORAM:

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

C.M.A(MD)No.417 of 2026

and

CMP (MD) No.3937 of 2026

The Branch Manager,
Reliance General Insurance Company Limited,
Door No.10/4/4 2nd Floor, South Bypass Road,
Vannarapettai, Tirunelveli – 623 003.

... Appellant

Vs.

1. K.Selvaraj
2. P.Kalaiselvi
3. S.Velu
4. The Proprietor,
M/s.Hajiyar Traders,
Door No.1295,
Hajiyar Complex,
Bharathi Nagar,
Ramanathapuram - 623 503.

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award passed in MCOP No.378 of 2024 on the file of the Motor Accident Claims Tribunal (Special



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Subordinate Judge (To deal with MCOP Cases) Dindigul dated 20.02.2025, and allow the Civil Miscellaneous Appeal and thus render justice.

For Appellant : Mr.K.R.Shivashankari

J U D G M E N T

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

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Dindigul, in MCOP No.378 of 2024, dated 20.02.2025.

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. The respondents 1 to 3, who are the claimants, filed the claim petition on the ground that on 28.11.2020, the deceased was



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travelling in an auto along with her co-workers and at about 4:15 p.m., the offending vehicle, namely Mahindra Bolero Maxi, was driven in a rash and negligent manner and it hit the auto from behind, as a result of which the auto capsized in the impact. The deceased sustained grievous injuries and she was admitted to the Dindigul Government Headquarters Hospital and thereafter, she was admitted to Dindigul JCB Hospital, where she took treatment from 28.11.2020 to 26.12.2020. Since the health condition became serious, the deceased was referred to Coimbatore Ganga Hospital for intensive care, where she was taking treatment till 06.01.2021. Once again, she was shifted to Madurai Government Rajaji Hospital, where she died on 10.01.2021 due to the serious injuries sustained in the accident. It is under these circumstances, the claim petition came to be filed by the husband and the children of the deceased.

4. The Tribunal, on considering the facts and circumstances and upon appreciation of oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash and



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negligent driving on the part of the driver of the offending vehicle.

Having rendered the said finding, the Tribunal proceeded to fix the compensation under various heads as follows:

1.	Loss of dependency	Rs.	21,00,000/-
2.	Loss of Estate	Rs.	16,500/-
3.	Loss of Consortium	Rs.	1,32,000/-
4.	Funeral Expenses	Rs.	16,500/-
5.	Transport Expenses	Rs.	15,000/-
6.	Medical Expenses	Rs.	6,48,737/-
	Gross Total	Rs.	29,28,737/-

5. The insurance company has questioned the above award both on the ground of negligence as well as the quantum.

6. Insofar as negligence is concerned, it is submitted that the accident had taken place due to negligence on the part of the auto driver and not due to the negligence of the driver of the offending vehicle. The Tribunal, while dealing with this issue, took into consideration the evidence of PW1 and PW2 and Ex.P1 (FIR). There was no contra evidence let in on the side of the insurance company. Therefore, the



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Tribunal came to the conclusion that the negligence was on the part of the driver of the offending vehicle. This finding rendered by the Tribunal on appreciation of evidence, does not suffer from any illegality warranting the interference of this Court.

7. In so far as the quantum is concerned, the learned counsel for the appellant submitted that the Tribunal had assessed the age of the deceased as 45 years and whereas the age as per the Aadhaar card was about 47 years and therefore, the appropriate multiplier must have been adopted by the Tribunal.

8. The Tribunal has considered this issue and has held that the age of the deceased as stated in the postmortem has to be taken into consideration and to substantiate the same, the Tribunal has also relied upon a judgment. It is now too well settled that the age mentioned in the Aadhaar card cannot over ride the age determined by the doctor in the postmortem. Therefore, the Tribunal was perfectly right in fixing the age at 45 years and fixing the appropriate multiplier.



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9. The compensation as determined by the Tribunal is very reasonable and it does not require the interference of this Court.

10. In the result, the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Dindigul, in MCOP No.378 of 2024, dated 20.02.2025, is hereby confirmed and the appeal stands dismissed. The entire compensation amount along with accrued interest shall be deposited within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the same shall be withdrawn in the apportionment stipulated by the Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

[N.A.V., J.] [K.K.R.K., J.]
30.03.2026

NCC :Yes/No
Index :Yes/No
PKN



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To
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1. The Motor Accident Claims Tribunal,
Special Subordinate Judge, Dindigul.
2. The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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