



CMA(MD)No.661 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

**CMA.(MD)No.661 of 2025 and
CMP(MD) No.10430 of 2025**

Shri Ram General Insurance Company Ltd.,
17 B A.Chinna Chokkikulam Madurai 625 002
represented by the Manager.

... Appellant

Vs

1. Chandrasekar(Died),
2. Murugananthan,
S/o.Durairaj, No.252, V.P.Illam,
Krishnapuram Colony,
Vishaltchipuram,
Madurai - 625 014..
3. Selvi,,
W/o.Late.Chandrasekar,No.2/221,
Pallakattu Thottam, Thandukaranpalayam
Village, Avinashi Taluk, Tiruppur..
4. Minor. Sivalini,,
D/o.Late. Chandrasekar, No.2/221,
Pallakattu Thottam, Thandukaranpalayam
Village, Avinashi Taluk, Tiruppur..



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5. Minor.Sundharapandiyan,,
S/o.Late. Chandrasekar,
No.2/221, Pallakattu Thottam, Thandukaranpalayam
Village, Avinashi Taluk, Tiruppur.

(4th and 5th Respondents are Minors Represented by
their mother/natural guardian/next friend - 3rd respondent herein)

(respondents 3 to 5 are brought on record as LR's of the deceased
1st respondent vide order dated 20.06.2025 in
CMP (MD) Nos.1811, 1812 and 1813 of 2024 ... Respondents

PRAYER :-Civil Miscellaneous Appeal filed under section 173 of Motor
Vehicles Act to set aside the Decree and Judgment in M.C.O.P.No.806 of
2015 dated 07.03.2022 on the file of Motor Accidents Claims Tribunal
(Special Subordinate Court for MCOP Cases), Madurai.

For Appellant : M/s.N.Shylappa Kalyan

For Respondents : Mr.K.Anbu Mankandan
Tamil Sooriyan for R3 to R5
R1 died

JUDGMENT

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

This Civil Miscellaneous Appeal has been filed by the insurance
company against the award passed by the Motor Accidents Claims Tribunal
(Special Subordinate Court for MCOP Cases), Madurai, dated 07.03.2022 in
MCOP No.806 of 2015.



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2. Heard the learned counsel for the appellant and the learned counsel for the respondents.

3. The claim petition was filed by the first respondent seeking for payment of compensation for the injury sustained by him during the accident. The tribunal, on completion of trial heard the claim petition finally on 10.02.2022, passed the award on 07.03.2022.

4. The learned counsel for the appellant submitted that the legal heirs of the first respondent had filed an execution petition and in that execution petition, they had filed the death certificate issued on the demise of the claimant and in that death certificate, the date of death of the claimant was mentioned as 16.05.2021. The learned counsel submitted that pursuant to the same, an application was moved before this Court in CMP(MD) Nos. 1811, 1812 and 1813 of 2024 to implead the legal heirs and the legal heirs of the first respondent were impleaded as respondents 3 to 5. It was therefore contended that the award that was passed in favour of the deceased claimant is a nullity in the eye of law and therefore, the award is



liable to be interfered on that ground alone.

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5. The learned counsel for the respondents 3 to 5, who are the legal heirs of the first respondent, submitted that the counsel was not aware of the demise of the original claimant and therefore, the claim petition was prosecuted as if the first respondent was alive. The learned counsel further submitted that only due to the negligence of the offending vehicle driven by the 2nd respondent, the accident had taken place, which resulted in the amputation of left leg. Therefore, the legal heirs are entitled for claiming compensation, since the compensation fixed by the tribunal must be considered as the estate of the deceased.

6. In our considered view, whether the award was passed in favour of or against the deceased claimant, the award itself becomes a nullity in the eye of law. In fact, the legal heirs of the claimant immediately after the demise of the claimant ought to have informed the counsel to implead them as legal heirs to prosecute the claim petition. Unfortunately, the same was not done. Therefore, we are not in a position to even apply the ratio of the latest judgment of the Apex Court in ***Binod Pathak and others v. Shankar***



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Choudhary and others [2025 (4) MLJ 635].

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7. In the light of the above discussion, the award passed by the tribunal is liable to be interfered with on the ground that it is a nullity in the eye of law. In view of the same, it will not be appropriate to go into the merits of the case.

8. In the result, the Civil Miscellaneous Appeal is disposed of in the following terms:

(a) The award passed in MCOP No.806 of 2015 by the Motor Accidents Claims Tribunal (Special Subordinate Court for MCOP Cases), Madurai is set aside;

(b) The matter is remanded back to the file of the Motor Accidents Claims Tribunal (Special Subordinate Court for MCOP Cases), Madurai and there shall be a direction to the legal heirs of the deceased claimant to file an application to substitute themselves in the place of the deceased claimant;



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(c) The evidence has already taken in this case. Hence, at this length of time, a retrial need not be conducted. Therefore, the available evidence shall be taken into consideration by the Tribunal;

(d) Whatever are the objections on the part of the appellant insurance company touching upon the issue of negligence shall be considered by the Tribunal on its own merits and in accordance with law; and

(e) The Tribunal is directed to pass the final award after affording an opportunity to both sides within a period of three months from the date of receipt of a copy of this judgment.

No costs. Consequently connected Miscellaneous Petition is closed.

(N.A.V.,J.)

(P.D.B.,J.)

04.03.2026

NCC : Yes/No

Index : Yes/No

RR

To

1.The Motor Accidents Claims Tribunal
(Special Subordinate Court for MCOP Cases), Madurai.



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2.The VR Section

Madurai Bench of Madras High Court, Madurai.

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N. ANAND VENKATESH,J.

AND

P.DHANABAL, J.

RR

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