



C.M.A(MD)No.1063 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 08.06.2026

PRONOUNCED ON: 24.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.1063 of 2022

and

C.M.P.(MD)No.10758 of 2022

The Claims Manager,
Reliance General Insurance Co., Ltd.,
PLA, Kanagu Towers,
2nd Floor, Thillai Nagar 2nd Lane,
Trichy – 620 018.

: Appellant/Respondent No.2

Vs.

1.S.Prabhakaran(died) : Respondent/Petitioner

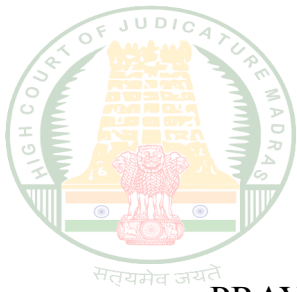
2.R.Rajeswari : Respondent/Respondent No.1

3.Manicka Selvi

4.Luna Jebashri

5.Christopher Rajan : Respondents

(R.3 to R.5 are brought on record
as LRs of the deceased R.1 vide
Court order dated 24.06.2019 made
in C.M.P.Nos.2710 and 2711 of 2018
in C.M.P.No.855 of 2018 in
C.M.a.SR.No.52586 of 2018)



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PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the fair and decreetal order dated 23.06.2017, made in MCOP NO.159 of 2014, on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Virudhunagar District at Srivilliputhur.

For Appellant : Mr.V.Sakthivel

For Respondents : Mr.N.Tamil Mani

for R.3 to R.5

: R.1 – died

: R.2 – dispensed with.

JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.159 of 2014, dated 23.06.2017, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Srivilliputhur.

2. The appellant/Insurer who was mulcted with the liability to pay compensation of Rs.7,15,076/- with interest and costs to the first respondent/claimant, for the disability sustained by the claimant



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consequent to an accident occurred on 04.06.2013, challenged the liability mulcted on it and also the quantum of compensation awarded at by the Tribunal.

3. When the Civil Miscellaneous Appeal was taken up for final disposal, the learned Counsel for the appellant/Insurer would submit that they are challenging only the negligent aspect and not the quantum of compensation awarded at, by the Tribunal.

4. The case of the claimant is that on 04.06.2013 at about 5.00p.m., when the petitioner was riding his two wheeler Hero Honda Splender Pro, bearing registration No.59 AT 5421 with his son as pillion rider, returning from Simmakal to their house at Kudal Pudhur road and while turning to the right side, a mini bus bearing Registration No.TN-58-E-1863 belonging to the first respondent came in a rash and negligent manner and without sounding horn from South to North and dashed against the two wheeler and as a result of which, the claimant suffered serious injuries and thus, the accident was occurred oly due to the rash and neglignet driving of the mini bus.



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5. The defence of the Insurer is that the accident was not occurred due to the rash and negligent driving of the first respondent's driver, that the accident did not occur as stated by the claimant, that the claimant alone rode the two wheeler in a rash and neglignet manner and caused the accident and that therefore, the Insurer is not liable for the claim.

6. It is pertinent to note that on the basis of the complaint lodged by the claimant's wife, F.I.R., came to be registered in Cr.No.224/2013 for the offences under Sections 279 and 337 I.P.C., on the file of the Kudal Nagar Police Station against the driver of the mini bus. The claimant in his evidence as P.W.1 narrated about the manner in which the accident was occurred and according to him, he was riding the two wheeler from West to East and while turning towards right side, the mini bus driver came in a rash and negligent manner and dashed against the two wheeler and caused the accident and that the mini bus driver alone was responsible for the accident. Though P.W.1 was subjected to cross-examination, his evidence with regard to the mode of accident remains unchallenged. Though the Insurer has taken a defence that the claimant



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was responsible for the accident and the mini bus driver was not at fault, they have not chosen to adduce any evidence, more particularly, the Insurer has not taken any steps to examine the mini bus driver or any other person, who allegedly witnessed the occurrence. As rightly contended by the learned Counsel for the claimant, there is absolutely no contra evidence available with regard to the negligence.

7. Considering the evidence available on record, the Tribunal has rightly come to the conclusion that the accident had occurred only due to the rash and negligent driving of the mini bus driver and on that basis, mulcted the liability on the Insurer and hence, the same cannot be found fault with.

8. As already pointed out, the appellant/Insurer has not challenged the quantum of compensation. Moreover, the appellant has not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the Civil Miscellaneous Appeal is devoid of merits and the same is liable to be dismissed.



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9. In the result, the Civil Miscellaneous Appeal is dismissed.

Consequently, the connected Civil Miscellaneous Petition is also dismissed. The parties are directed to bear their own costs.

24.06.2026

NCC : Yes : No
Index : Yes : No
Internet : Yes : No

SSL
To

1. The Motor Accident Claims Tribunal /
(Chief Judicial Magistrate), Virudhunagar District at Srivilliputhur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

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PRE-DELIVERY JUDGMENT MADE IN

C.M.A(MD)No.1063 of 2022

24.06.2026