



C.M.A. (MD) No. 1086 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.04.2026

Pronounced on : 17.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.1086 of 2025

and

C.M.P.(MD)No.15541 of 2025 and 723 of 2026

The Divisional Manager,
M/s.The Oriental Insurance Company Limited,
No.1, Loyola Building First Floor,
Salai Road,
Dindigul-620001.

... Appellant/
Respondent No.2

Vs.

Saravanan (Died)

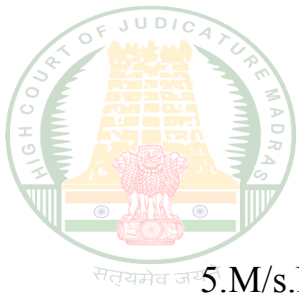
1.Manjula

2.Salini

3.Sharmili

4.Arumugathammal

...Respondents 1 to 4/
Petitioners



C.M.A. (MD) No. 1086 of 2025

WEB COPY

5.M/s.N.P.Enterprises Private Limited,
T.R.C.C. - 206-261, S.G.Methu Road,
Chamraj Pet, Bangalore-18,
Karnataka State.

...Respondent No.5/
Respondent No.1

(Memo dated 11.03.2026 filed on 12.03.2026 in USR No.10523, is recorded, to the effect that notice to R5 is dispensed with, as R5 was set ex-parte before the Court below, vide Court order dated 25.03.2026 made in CMA(MD)No.1086 of 2025)

Prayer : This Civil Miscellaneous Appeal filed under Section 30 of the Employee Compensation Act, to set aside the order dated 24.07.2025 passed in E.C.No.56 of 2018 on the file of the Employees Compensation Commissioner Court of Madurai by allowing the civil miscellaneous appeal.

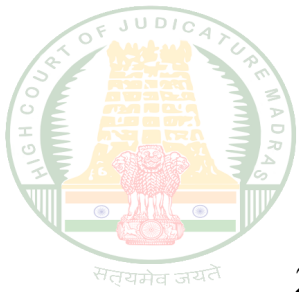
For Appellant : Mr.V.Sakthivel

For Respondents : Mr.M.Venkatesan for R1 to R4

R5 – Dispensed with

JUDGMENT

The Civil Miscellaneous Appeal is directed against the order passed in E.C.No.56 of 2018 dated 24.07.2025 on the file of the Employees Compensation Commissioner Court, Madurai.



C.M.A.(MD)No.1086 of 2025

WEB COPY

2. The appellant / insurer, who was mulcted with liability to pay compensation of Rs.7,90,072/- (Rupees Seven Lakhs Ninety Thousand and Seventy Two only) with interest and costs to the respondents 1 to 4 / claimants, for the death of Saravanan, consequent to an accident occurred on 16.10.2017, challenged the liability mulcted on it.

3. Originally, the deceased Saravanan, the injured in the alleged accident occurred on 16.10.2017 filed the claim petition and during the pendency of the claim petition, the injured died on 13.09.2020. The legal heirs of the deceased Saravanan got themselves impleaded as claimants and prosecuted the claim petition further and amended the claim petition converting injury claim into death claim.

4. After enquiry, the Commissioner of Employees Compensation passed an order dated 01.08.2023 awarding compensation. The appellant preferred an appeal in CMA(MD)No.1243 of 2023 and a learned Judge of this Court passed a judgment dated 22.07.2024 remitting the matter back to the Tribunal by granting liberty to both parties to adduce evidence both oral and documentary with regard to the connection between the



C.M.A.(MD)No.1086 of 2025

WEB COPY

accidental injuries and the death. In pursuance of the direction of this Court, E.C.No.56 of 2018 was restored to file and the respondents 1 to 4 have summoned and examined P.W.3 Doctor Rajasekaran attached to the Meenakshi Mission Hospital, Madurai. The Commissioner, after concluding the enquiry, has passed the impugned order dated 24.07.2025 by holding that there was nexus between the accidental injuries and the death and on that basis, awarded total compensation at Rs.6,82,760/- and also awarded Rs.1,07,312/- towards medical expenses, all totalling Rs.7,90,072/-.

5. The learned counsel appearing for the appellant would mainly contend that there was no nexus between the injury and the death and placed reliance on the decision of the Hon'ble Supreme Court in ***Haseena and others Vs. The United India Insurance Co. Ltd. and another (passed in Civil Appeal No.6621 of 2025 dated 04.09.2025)***,

“9. ... Admittedly, the inpatient treatment was only between 29.04.2006 and 03.05.2006 and after that the victim was stated to have undergone outpatient treatment till 12.08.2006. Though, it has been contended that on discharge he was advised bed rest, there is no specific period of bed rest spoken of by the witness or substantiated



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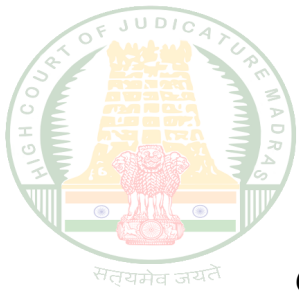


C.M.A.(MD)No.1086 of 2025

by documentary evidence. Admittedly, there was a non-healing ulcer on the right foot which did not respond to the treatment at the local hospital which prompted the reference to a higher medical centre. It was at the higher medical centre that the death occurred after a successful skin grafting procedure. The death could very well have been the after effect of the surgery, given the medical parameters of the patient. It cannot have any direct nexus to the accident which was not conclusively established; the expert medical opinion being otherwise.

.....

11. Merely by reason of the proximity of the accident and the death or the possibility of acute myocardial infarction occurring for reason of a long bed rest, it cannot be assumed, without clear evidence to substantiate the death having been caused as a result of the injuries sustained in the accident that the death occurred by reason of the accident. There cannot be found even a preponderance of probability, going by the Doctor's evidence. We cannot interfere with the well-considered judgment of the High Court, which though rejected the claim for compensation for death, considered the claim for injuries sustained. We are unable to interfere with the findings of the High Court."



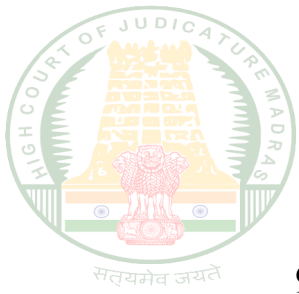
C.M.A. (MD) No. 1086 of 2025

WEB COPY

6. On perusal of the records, the Substantial Question of Law arises for consideration is whether the Commissioner of Employees' Compensation was justified in treating the case as one of death resulting from employment injury and awarding death compensation under the Employees' Compensation Act, despite the failure of the respondents 1 to 4 to prove the nexus between the accidental injuries and the death nearly 3 years after the accident.

7. It is not in dispute that the deceased underwent inpatient treatment from 20.10.2017 to 29.10.2017 at Meenakshi Mission Hospital, Madurai. P.W.3 Doctor has admitted that he had not personally treated the deceased but the other Doctors in the said hospital had treated him and he was deposing on the basis of the medical records available.

8. It is also not in dispute that the deceased sustained a serious head injury i.e., acute infarct involving right MCA territory with edema and effacement of ventricular system and sulci and underwent inpatient treatment. Admittedly, no postmortem was conducted, but the mere absence of a postmortem examination is not, by itself, conclusive against the claim.



C.M.A. (MD) No. 1086 of 2025

WEB COPY

9. The Commissioner has mainly relied upon the evidence of P.W.3 Doctor, who stated that "there is a possibility that the deceased died due to the after-effects of the head injury" and on that basis, came to a finding that there was nexus between the accidental injuries and the death.

10. The learned counsel appearing for the appellant would submit that the very same P.W.3 Doctor, in his cross-examination, admitted that he was unaware as to whether the deceased had been suffering MCA and DM previously, that the deceased had not taken continued treatment and that, even in his chief examination, he had only opined that there was a possibility of the death being attributable to the injuries sustained in the accident.

11. It is pertinent to mention that the Commissioner is required to decide the issue on the basis of the preponderance of probabilities. If the medical evidence along with treatment records, the continuous neurological disability after the accident, in the absence of any other intervening cause and the overall circumstances prove that the accidental injuries contributed to or accelerated the death, the Commissioner would



C.M.A. (MD) No. 1086 of 2025

WEB COPY

be justified in awarding compensation for death. But at the same time, if there is no medical evidence regarding the medical condition between his discharge and death, no death certificate indicating the cause of death and no records showing continued treatment for the head injury, the finding of the Commissioner that there existed casual connection between the injuries and the death, cannot be sustained.

12. A mere possibility of nexus is not sufficient to hold that the death resulted from the accidental injuries. In the case on hand also, admittedly, no postmortem was conducted to ascertain the exact cause of death. Moreover, death certificate indicating the cause of death has not been produced. The only medical records relied on by the respondents 1 to 4 is that of P.W.3 Doctor, who admittedly had not treated the deceased personally but deposed only on the basis of the hospital records. More importantly, P.W.3, in his evidence, has stated that there was a chance that the injuries sustained in the accident had resulted in the death of the deceased. The expression, "there was a chance", denotes only a possibility and not a probability.



C.M.A. (MD) No. 1086 of 2025

WEB COPY

13. As already pointed out, the Commissioner appears to have proceeded on the premise that since the deceased had sustained head injuries and the Doctor had opined that there was a chance that those injuries caused the death, the necessary nexus stands established, but such an approach cannot legally be sustained. Considering the medical evidence available on record, this Court has no hesitation in holding that the respondents 1 to 4 have failed to establish that nexus between the injuries sustained by the deceased in the accident occurred on 16.10.2017 and his subsequent death on 13.09.2020. Consequently, the award of compensation treating the case as one of death is not sustainable and is liable to be set aside.

14. But at the same time, the respondents 1 to 4 would be entitled to get compensation, if any, in respect of the disablement suffered by the deceased, subject to the provisions of the Employees' Compensation Act. It is pertinent to mention that the deceased Saravanan before his death, has deposed as P.W.1 and in his chief examination, he has stated that he had sustained disability at 55% but admittedly, he did not produce any iota of evidence to substantiate the same. No doubt, as already pointed out, the

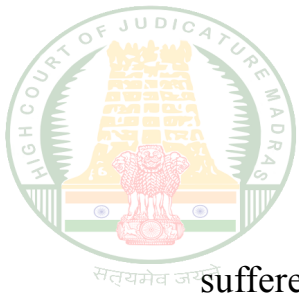


C.M.A. (MD) No. 1086 of 2025

WEB COPY

deceased had sustained a neurological injury but the mere severity of initial injury cannot, by itself, lead to the inference that the subsequent death which occurred nearly 3 years later, was the direct consequence of the said injury. Under the Employees' Compensation Act, compensation is statutory and not akin to compensation under the Motor Vehicles Act. The Commissioner cannot award amounts under separate conventional heads such as pain and suffering, extra nourishment, transport expenses and attendant charges and the compensation would be confined to (1) permanent total disablement, (2) permanent partial disablement and (3) temporary disablement.

15. As already pointed out, the matter had earlier been remanded to the Commissioner only for the limited purpose of affording both parties an opportunity to adduce evidence regarding the nexus between the accidental injuries and the subsequent death of the deceased. In pursuance of the remand order, sufficient opportunity was afforded to both sides to adduce evidence. But, respondents 1 to 4 merely summoned and examined P.W.3 and failed to examine any qualified medical practitioner to assess either the permanent disability or the resultant loss of earning capacity



C.M.A. (MD) No. 1086 of 2025

WEB COPY

suffered by the deceased. As rightly contended by the learned counsel appearing for the appellant, except for the interested testimony of P.W.1, the injured claimant, respondents 1 to 4 have not produced any legally acceptable evidence to establish either the extent of disablement or the resultant loss of earning capacity. It is also not in dispute that neither the injured claimant during his lifetime nor respondents 1 to 4 produced any evidence to show that the deceased had undergone continuous treatment after his discharge from Meenakshi Mission Hospital until his death. In such circumstances, this Court cannot resort to conjectures or surmises in assessing either the percentage of disability or the loss of earning capacity merely because the injuries sustained by the deceased were serious at the initial stage.

16. Since adequate opportunities have already been afforded to both parties to adduce evidence, this Court is not inclined to remand the matter once again for the purpose of enabling them to fill up the lacunae in their case.

17. In the absence of any legally acceptable evidence to show the



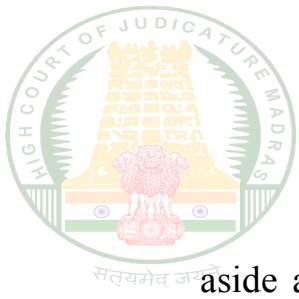
C.M.A. (MD) No. 1086 of 2025

WEB COPY

extent of disablement or the resultant loss of earning capacity, as contemplated under the provisions of the Employees' Compensation Act, this Court has no jurisdiction to award any compensation towards the disability allegedly suffered by the deceased. The Commissioner, on the basis of the medical bills produced, has rightly awarded a sum of Rs.1,07,312/- towards medical expenses, and the said award does not warrant any interference. Except for the said amount, respondents 1 to 4 are not entitled to any compensation under any other head. Consequently, the impugned award granting compensation by treating the claim as one arising out of the death of the deceased is liable to be set aside, and the award of Rs.1,07,312/- towards medical expenses alone is liable to be sustained.

18. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs.

19. In the result, this Civil Miscellaneous Appeal is partly allowed. The impugned order dated 24.07.2025 awarding death compensation is set



C.M.A. (MD) No. 1086 of 2025

WEB COPY

aside and the compensation awarded towards medical expenses alone is confirmed. Hence, the compensation awarded at Rs.7,90,072/- (Rupees Seven Laksh Ninety Thousand and Seventy Two only) is hereby reduced to **Rs.1,07,312/- (Rupees One Lakh Seven Thousand Three Hundred and Twelve only)**. The appellant is directed to deposit the modified award amount with interest and costs from the date of petition till the date of realization excluding the default period, if any, to the credit of E.C.No.56 of 2018 on the file of the Employees' Compensation Commissioner Court, Madurai, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. Out of the said compensation amount, the first respondent is entitled to get Rs.62,312/- (Rupees Sixty Two Thousand Three Hundred and Twelve only) and the respondents 2 to 4 are entitled to get Rs.15,000/- (Rupees Fifteen Thousand only) each. On such deposit being made, the respondents 1 to 4 are permitted to withdraw their shares as per the apportionment fixed by this Court along with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. If the amount was already deposited by the appellant, the balance amount shall be withdrawn by them. Consequently, connected Miscellaneous



C.M.A. (MD) No. 1086 of 2025

Petitions are closed. Parties are directed to bear their own costs.

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17.07.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Employees Compensation Commissioner,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A. (MD) No. 1086 of 2025



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C.M.A. (MD) No. 1086 of 2025

K.MURALI SHANKAR,J.

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Pre-Delivery Judgment made in
C.M.A.(MD)No.1086 of 2025
and
C.M.P.(MD)No.15541 of 2025 and 723 of 2026

Dated : 17.07.2026