



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.111 of 2023
and CMP No.902 of 2023

The Managing Director,
Chennai Metro Rail Limited,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai 600 107.

..Appellants

.VS.

1.Malar

2.Neethivanan

3.Shobhana

4.Venkatesh

5.S.Elavarasan

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the fair and decrretal order dated 28.04.2022 in MCOP No.3867 of 2019, on the file of the Chief Judge, Court of Small Causes at Chennai.

For Appellants : Mr.Kishore Balasubramanian

For Respondents : Mr.C.D.Kamaraj for R1 to R3



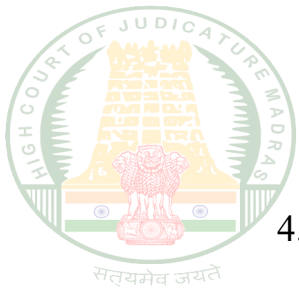
JUDGMENT

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This appeal has been filed by the Chennai Metro Rail Limited, challenging the Award passed by the MACT, Chennai (before the Chief Judge, Court of Small Causes, Chennai), in MCOP No.3867 of 2019, dated 28.04.2022, wherein the Tribunal has directed the appellant to pay the entire compensation to the claimants and recover the same from the 4th and 5th respondents herein.

2.The respondents 1 to 3 herein are the claimants. The 1st claimant is the wife, the 2nd claimant is the son and the 3rd claimant is the daughter of the deceased Kuppuraj.

3.The case of the claimants is that on 10.01.2019, the deceased was sleeping on a platform, and at about 00.45 hours, the offending vehicle, which was a Tata Hitachi Hyundai Excavator Poclain Vehicle, owned by the 4th and 5th respondents herein, was driven in a rash and negligent manner, and it ran over the deceased. As a result of which, the deceased died on the spot. An FIR came to be registered against the driver of the offending vehicle in Crime No.15 of 2019. It is under these circumstances that the claim petition came to be filed before the Tribunal.



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4.The appellant, who was the 3rd respondent in the claim petition, took a stand that the appellant has nothing to do with the alleged occurrence and that one M/s.ITNL-KMB-(JV) was awarded the main contract to carry out certain works, and the main contractor had sub-contracted to M/s.JK Enterprises and the sub contractor had engaged the services of the 4th and 5th respondents herein and hence, for the negligence on the part of the driver engaged by the sub contractor, the appellant cannot be made vicariously liable and, accordingly, the appellant sought for the dismissal of the claim petition.

5.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

6.The Tribunal, having rendered the above finding, concluded that the particulars of the main contractor and the sub contractor have not been disclosed by the appellant and since the appellant had engaged their services, the appellant will have to pay the compensation to the claimants and recover the same from the main contractor/sub contractor.



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7. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.13,20,000/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency Rs.11,250/- (Rs.10,000 + 25%) x 12 x 13 x 2/3	11,70,000
Loss of Estate	15,000
Loss of Consortium (Rs.10,000 x 3)	1,20,000
Funeral Expenses	15,000
Total	13,20,000

8. The Tribunal attributed 10% contributory negligence on the deceased and hence, it was deducted and the balance of Rs.11,88,000/- was directed to be paid as compensation by the appellant to the claimants along with interest at the rate of 7.5% per annum.

9. Aggrieved by the same, the present appeal has been filed before this Court.

10. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents 1 to 3. The 4th and 5th respondents



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have been served with notice and their names have also been printed in the cause. However, there is no representation either in person or through counsel.

11.The main ground that was urged on the side of the appellant is that the Tribunal was made aware of the fact that the appellant had engaged the services of other contractors, which is evident from Ex.R3. In such a situation, the Tribunal ought not to have made the appellant liable to pay the compensation, which will go against the very terms and conditions agreed upon between the appellant and the contractors. It is further submitted that it is for the claimants to implead the main contractor/sub contractor after it was brought to their notice, and the Tribunal ought not to have rendered a finding against the appellant as if no steps were taken to furnish the particulars of the main contractor/sub contractor.

12.In the case in hand, the appellant had awarded the contract package in favour of the main contractor M/s.ITNL-KMB-(JV) in respect of the Metro Rail work from Shri Thiagaraya College to Korukkupet Station. The terms of contract in respect of the indemnity clause, which save the liability of Chennai Metro Rail Limited, is evident from Ex.R3. Apart from that, the

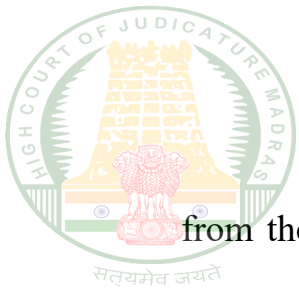


main contractor had also engaged a sub contractor, viz., M/s.JK Enterprises.

In such a scenario, if any accident had taken place by virtue of a vehicle that was put to use by a driver working for the sub contractor, by no stretch, the appellant can be made liable to pay the compensation. If such a direction is issued, it will run against the very terms of contract entered into between the appellant and the contractors. Hence, the Tribunal ought to have directed only the owner of the offending vehicle or should have taken steps to implead the contractors as a party and made them liable to pay the compensation to the claimants.

13.The claim petition was filed under Section 166 of the Motor Vehicles Act, and it was not a claim filed under the Employees Compensation Act. Therefore, when the Tribunal makes the appellant vicariously liable, the Tribunal has to render a specific finding as to how the appellant can be made liable for the act committed by a driver engaged by the contractors, more particularly, when the liability of the appellant has been excluded as per the contract entered into between the appellant and the contractors.

14.In the light of the above discussion, the findings of the Tribunal to the effect that the appellant must pay the compensation and recover the same



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from the owner of the vehicle/contractors, is unsustainable, and the same is liable to be interfered with by this Court, and accordingly, the same is hereby set aside.

15.The finding with regard to the negligence as well as the compensation that has been fixed by the Tribunal is sustained as it is. It will be left open to the claimants to work out their remedy against the owner of the offending vehicle/contractors and recover the same along with accrued interest.

16.In the result, this Civil Miscellaneous Petition stands allowed in the above terms. The amount that has been deposited by the appellant shall be permitted to be withdrawn along with accrued interest. No costs. Consequently, the connected miscellaneous petition is closed.

20.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

The Chief Judge, Court of Small Causes at Chennai.

CMA No.111 of 2023

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