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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.600 of 2024

Chinnasamy

..Appellant

.VS.

1.B.Amjath

2.HDFC ERGO Insurance Co., Ltd.,
356/1, Empire Arcade,
Omalur Main Road,
Opp. to new Bus Stand,
Salem 636 004.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, challenging the Judgment and Decree dated 04.12.2023 made in MCOP.No.277 of 2021, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Dharmapuri.

For Appellant : Mr.S.P.Yuvaraj

For Respondents : Mr.Mr.K.Vinod for R2



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JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, Chief Judicial Magistrate Court, Dharmapuri in MCOP No.227 of 2021 dated 04.12.2023, by the appellant.

2.The appellant is the claimant. The case of the claimant is that on 30.09.2020, he was travelling in a two wheeler at Dharmapuri Road and at about 2.00 p.m., when he was waiting along with the two wheeler near the centre meridian, the offending vehicle which is a car belonging to the 1st respondent was driven in a rash and negligent manner and it hit the two wheeler. As a result of which, the claimant sustained serious injuries all over the body. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3.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 on the part of the claimant.

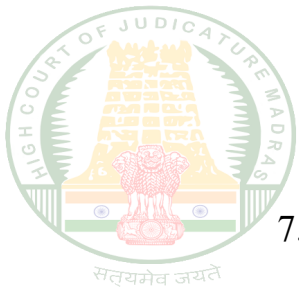


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4. Having rendered such a finding, the Tribunal proceeded to grant compensation of Rs.25,000/- under no fault liability and directed the 2nd respondent/Insurance Company to pay the said amount along with the interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed before this Court.

5. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents.

6. The main ground that was urged by the learned counsel for the appellant is that, the appellant was not attempting to cross the road, but he was only waiting near the centre median along with his two wheeler and at that point of time, the offending vehicle dashed against the appellant causing serious injuries. It is further submitted that the Medical Board had assessed 15% permanent disability and the same was not considered by the Tribunal. It is further contended that the Tribunal did not fix the compensation amount under various traditional heads. Accordingly, the learned counsel sought for the interference of the Award passed by the Tribunal.



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7. Per contra, the learned counsel for the 2nd respondent/Insurance Company submitted that the evidence on record clearly shows that the accident had taken place only due to the negligence on the part of the appellant. The learned counsel submitted that the Tribunal has granted compensation under no fault liability and that the appellant is not entitled for any more compensation in this case.

8. In the case in hand, the petition has been filed under **Section 166** of the Motor Vehicles Act. Hence, it is the duty of the claimant to establish that the accident had taken place only due to the negligence on the part of the driver of the offending vehicle. In this regard, the Tribunal had made a detailed analysis of the evidence of PW1, RW1 and also the Rough Sketch marked as EX.R2. The Tribunal came to a categorical conclusion that there was no entry available to cross the road from the other side and in spite of the same, the claimant had all of a sudden has managed to bring the vehicle through a small gap and the same resulted in the accident.

9. The finding rendered by the Tribunal to the effect that the entire negligence is attributable to the claimant, does not suffer from any perversity warranting the interference of this Court.



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10.The Tribunal has granted compensation under the no fault liability and the same sufficiently takes care of the interest of the appellant.

11.In the result, the Award passed by MACT, Dharmapuri in MCOP No.227 of 2021, dated 04.12.2023, is upheld and this appeal stands dismissed. No Costs.

08.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

The Motor Accident Claims Tribunal, Chief Judicial Magistrate Court,
Dharmapuri.



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N. ANAND VENKATESH., J

SSR

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