



WEB COPY

CMA No. 405 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 405 of 2023

AND

CMP No. 3422 of 2023

The Branch Manager
Sriram General Insurance Company Limited,
No.E-8, RIICO Industrial Area, Sitapura,
Jaipur, Rajasthan State.

..Appellant(s)

Vs

Ilayaraja
S/o.Sundarraaj, No.8/40, Mela Street, Ponvelli,
Sikkal, Nagapattinam Taluk and District

..Respondent(s)

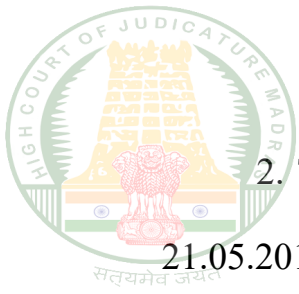
PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to set aside the decree and Judgement award made in MCOP.No.78 of 2016 dated 19.09.2019 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate at Nagapattinam.

For Appellant(s): M/s.K.Poomalai

For Respondent(s): Served - No appearance

JUDGMENT

This appeal has been filed by the Insurance Company against the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagapattinam in M.C.O.P.No.78 of 2016, dated 19.09.2019.



2. The respondent is the claimant. The case of the respondent is that on 21.05.2015, while travelling in a Mahindra van on the Tiruvar - Nagapatinam Main Road, at about 11.30 p.m., there was a mechanical failure in the vehicle and as a result of which, the vehicle dashed against the advertisement board and an electric pole, and the claimant sustained serious injuries. An FIR was also came to be registered in Crime No.188/2015. It is under these circumstances, the claim petition came to be filed under Sections 140 r/w 163(A) of the Motor Vehicles Act, 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 negligence on the part of the claimant.

4. The Tribunal, having rendered the above finding fixed the compensation of Rs.88,337/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability (5% x 3000 = Rs.15,000/-)	Rs.15,000/-
2.	Pain and Sufferings	Rs.15,000/-
3.	Extra Nourishment	Rs.10,000/-
4.	Transport Expenses	Rs.10,000/-
5.	Medical Expenses	Rs.3,377/-
	Total	Rs.88,337/-



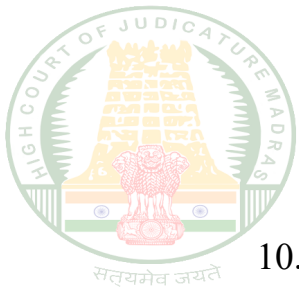
5. The Tribunal took in to consideration the fact that a separate premium has been paid towards personal accident for the owner and driver and considering the same, the Insurance Company was directed to make the payment along with interest under the PA cover. Aggrieved by the same, the Insurance Company has filed the present appeal before this Court.

6. The respondent has been served with notice and the name of the respondent also printed in the cause list and there is no appearance either in person or any counsel.

7. This Court heard M/s.K.Poomalai, learned counsel appearing on behalf of the appellant – Insurance Company.

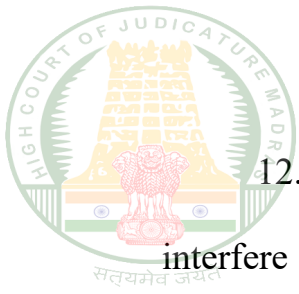
8. This Court carefully considered the submissions made by the learned counsel for the appellant and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

9. The main ground that was urged by the learned counsel for the appellant is that the respondent / claimant is the tortfeasor in this case and therefore, the claim petition filed under Section 163(A) of the Motor Vehicles Act is not maintainable. The learned counsel further submitted that if at all the claimant has a PA cover under the policy for own damage, the forum to agitate the claim is not the Motor Accident Claims Tribunal, and the Tribunal did not have jurisdiction to direct payment of compensation by relying upon the PA cover.



10. In the considered view of this Court, the claimant could not have sustained the claim petition under section 163(A) on the sole ground that the claimant was the tortfeasor in this case. Therefore, if compensation has been directed to be paid by the Insurance Company on the basis of the claim petition, the same will be against the settled principles of law. In the case in hand, the Tribunal found that there was a PA cover for which premium has been paid and the maximum limit will be Rs.1 lakh. Hence, considering the same, the Tribunal directed the compensation amount to be paid by the Insurance Company along with interest based on the PA cover.

11. It will be a very hyper technical plea on the side of the Insurance Company to avoid making this payment by pointing out to the jurisdiction of the Motor Accident Claims Tribunal. In any event, the Insurance Company is liable to make the payment up to a maximum of Rs.1,00,000/- and what has been fixed by the Tribunal is Rs.88,537/-, which is well within the PA cover. Therefore, the direction issued by the Tribunal to the Insurance Company to pay the compensation amount along with interest at the rate of 7.5% per annum cannot be held to be illegal or perverse, warranting interference by this Court. This Court also finds the compensation awarded by the Tribunal to be meagre.



12. In the light of the above discussion, this Court is not inclined to interfere with the award passed by the Tribunal and accordingly, this Civil Miscellaneous appeal stands dismissed.

13. It is brought to the notice of this Court by the learned counsel for the Insurance Company that the entire award amount has already been deposited before the Tribunal.

14. Hence, the claimant is entitled to withdraw the compensation amount along with accrued interest on due application. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, the connected miscellaneous petition stand closed.

14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SSI

To:
1. The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Nagapattinam.

2. The Section Officer,
V.R.Section, High Court of Madras.



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N.ANAND VENKATESH J.

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