



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2026

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**The Hon'ble Mr.Justice N.Sathish Kumar
and
The Hon'ble Mr.Justice M.Jothiraman**

C.M.A.No.2010 of 2026

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C.M.P.No.15663 of 2026

M/s.Reliance General Insurance Co. Ltd.,
rep. by Assistant Vice President (Legal)

..Appellant

Vs.

1. N.Pavithra
2. R.Mohanraj
3. N.Thangavel
4. Murugan
5. Murugammal

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 as against the Judgment and Decree passed in M.C.O.P.No.1510 of 2025 (Old M.C.O.P.No.99 of 2020) on the file of the Motor Accident Claims Tribunal, Coimbatore (Special District Court II, Coimbatore) dated 14.11.2025.

For Appellant : Mr.R.Sunil Kumar



(Order of the Court was made by **N. Sathish Kumar, J.**)

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The Insurance Company is the appellant herein. This Civil Miscellaneous Appeal is preferred against the award passed by the Motor Accident Claims Tribunal cum Special District Court No.11 Coimbatore (hereinafter, referred to as the 'Tribunal') in M.C.O.P.No.1510 of 2025 dated 14.11.2025.

2. The challenge to the said award is mainly on the ground that the deceased Karthick did not possess valid driving licence at the relevant point of time, when the accident had occurred. That apart, the deceased was not wearing helmet while he was riding the two wheeler.

3. Therefore, it is contention of the appellant/Insurance Company that the Tribunal instead of fastening entire negligence on the part of the appellant/Insurance Company, ought to have apportioned any contributory negligence on the part of the deceased as well.

4. We have heard the learned counsel for the appellant/Insurance Company and perused the entire materials available on record, particularly, the evidence of P.Ws.1 and 2. Since the Appeal is entertained and disposed



of in its admission stage itself, notice to the respondents is dispensed with.

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5. Admittedly, the vehicle involved in the accident is a heavy vehicle, viz., Mini Tempo. The evidence of P.W.2 clearly establishes the fact that the said Mini Tempo was driven in a rash and negligent manner, and dashed against the young and innocent deceased, who was aged only 24 years at the time of the accident. Merely because, P.W.1, the wife of the deceased, in her evidence had admitted the fact that the deceased did not possess valid driving licence', that cannot be taken as a gospel truth and thereby, contributory negligence cannot be expected to be fixed on the part of the deceased, when the appellant/Insurance Company alleges a policy violation that the deceased was not in possession of the valid driving licence, the said aspect ought to have been proved by the Insurance Company by examining the concerned Officer from the Regional Transport Office and when they admittedly failed to discharge their burden of proof, they cannot, as a matter of right, seek for fixation of contributory negligence on the part of the deceased.

6. Further, even assuming that the deceased was not having driving licence, it cannot be presumed that the said accident had occurred on account of violation of the provisions of Motor Vehicles Act, 1988 which



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would attract penal action under the said Act for the reason that the Tribunal while determining the liability aspect, has to find out as to whose negligence has resulted in the accident and in the instant case, the driver of the Mini Tempo alone was sole cause for the accident. Therefore, the Tribunal on having found that the accident occurred due to reckless driving of the offending vehicle, rightly fastened the entire liability on the driver of the Mini Temple and the same cannot be found fault with.

7. As stated supra, merely on the ground that the deceased was not in possession of driving licence at the time of the accident and was not wearing helmet, from such very perception, it cannot be presumed that the accident had occurred purely due to the negligence on the part of the deceased. The evidence would clearly establish the fact that offending vehicle, viz., Mini Tempo came in a rash and negligent manner and hit against the two wheeler, due to which, deceased sustained fatal injuries and succumbed to death.

8. Therefore, as observed by us in the preceding paragraph, viz., Paragraph No.6, as long as the contributory negligence is not established via. evidence by the appellant/Insurance Company, they cannot, as a matter of right, merely on the basis of the material evidence claim that the



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deceased was not wearing helmet and non-possession of driving licence, and thereby, can seek for apportionment of contributory negligence on the deceased and such submission cannot be countenanced. Therefor, we confirm the findings of the Tribunal in fixing the entire contributory negligence on the part of the appellant/Insurance Company.

9. As far as the other aspects of the award is concerned, viz., the quantum of compensation awarded by the Tribunal, there is no serious dispute on the said aspect. The Tribunal has determined the compensation towards Loss of Income by taking into consideration the I) Notional income of the deceased (Rs.14,562/-) his Age (24 years at the time of the accident) and his Occupation (as a Contract Labour working in the Corporation) and even the compensation awarded under other heads are also just and fair. Therefore, we do not find any infirmity with regard to the quantum of compensation awarded by the Tribunal and therefore, the award cum compensation passed by the Tribunal under all other heads are also confirmed.

10. For the aforementioned reasons, we dismiss this Civil Miscellaneous Appeal.



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11. The appellant/Insurance Company is directed to deposit the award amount as determined by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of a receipt of copy of this Judgment. On such deposit, the respondent No.1, wife of the deceased and respondents 4 and 5, being the parents of the deceased respectively are permitted to withdraw their respective shares along with proportionate interest and costs, less the amount if any, already withdrawn, by making proper application before the Tribunal.

12. In fine, the Civil Miscellaneous Appeal stands dismissed, as stated supra. No costs. Consequently, connected Miscellaneous Petition is closed.

[N.S.K.J.] [M.J.R.J.,]

02.07.2026

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Index : yes/no

Internet : yes/no



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To
The Special District Judge, No II,
Motor Accident Claims Tribunal, Coimbatore.



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N. Sathish Kumar, J.
and
M.Jothiraman, J.,

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