



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 02.07.2026**

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**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CMA No.2598 of 2022**

1.Rathika  
2.Minor Madhumitha  
3.Minor Jenitha  
4.Minor Purushothaman  
5.Mariyammal  
6.Gengasalam

..Appellants

.vs.

The Manager,  
National Insurance Company Limited,  
No.62, TSR Periya Theru,  
Kumbakonam,  
Tanjavore District.

..Respondent

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and Award of the Motor Accident Claims Tribunal, (Principal District and Sessions Court) Ariyalur in MCOP. 38 of 2019 dated 22.10.2021.

For Appellants : Mr.P.Parthikannan

For Respondent : Mrs.N.B.Surekha



## **JUDGMENT**

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This appeal has been filed challenging the Award passed by the MACT, Principal District and Sessions Court, Ariyalur in MCOP No.38 of 2019 dated 22.10.2021, by the appellants.

2.Heard Mr.P.Parthikannan, learned counsel appearing on behalf of the appellants and Mrs.N.B.Surekha, learned counsel appearing on behalf of the respondent.

3.The 1<sup>st</sup> claimant is the wife, claimants 2 to 4 are the children and the claimants 5 and 6 are the parents of the deceased Govindarasu. The deceased was riding his two wheeler on 06.01.2018 and when he was travelling at Andimadam-Kaduvetti Main Road, at about 8.45 p.m., he had dashed on Periyathur name board. As a result of which, he sustained grievous injuries and died on the spot. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.The Insurance Company filed a counter affidavit and took a stand that the accident took place due to the rash and negligent driving on the part of the deceased and the deceased was the tortfeasor in this case. The



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Insurance Company took a further stand that the deceased did not possess a valid driving license. Therefore, the Insurance Company contended that the claim petition itself is not maintainable and the same is liable to be rejected.

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

6.Having rendered the above finding, the Tribunal proceeded to hold that the tortfeasor was the deceased and therefore, the family members cannot get into the shoes of the tortfeasor and seek for compensation. That apart, the legal heirs will not be entitled for compensation under the personal insurance coverage which confines itself only to the owner of the vehicle. Accordingly, the claim petition was rejected.

7.In the considered view of this Court, the tortfeasor in this case is the deceased. When the deceased is the tortfeasor, the compensation cannot be claimed by the wife and children. The dependents cannot take advantage of the Section 163(A) of the Motor Vehicles Act. Useful reference can be made



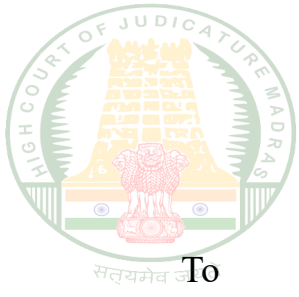
to the judgment in *C.Janaki and Others vs. K.Kanniyappan and Another*  
reported in **2024 3 LW 772**.

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8.In view of the above, this Court does not find any ground to interfere with the Award passed by the Tribunal and accordingly this Civil Miscellaneous Petition stands dismissed. No Costs.

**02.07.2026**

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



To

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The Motor Accident Claims Tribunal, (Principal District and Sessions Court)  
Ariyalur.



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**N. ANAND VENKATESH., J**

SSR

**CMA No.2598 of 2022**

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