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CMA No. 2666 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2666 of 2022

AND

CMP NO. 20891 OF 2022

The Branch Manager
National Insurance Co.Ltd.
Motor Third Party Claim Office, No. 252 Gandhi
Road, Kancheepuram.

..Appellant(s)

Vs

1. Valli
W/o. P.Murugan
2. P.Murugan
S/o. Periyappapillai
3. S.Thamizhanban
S/o. Selvaraj

..Respondent(s)

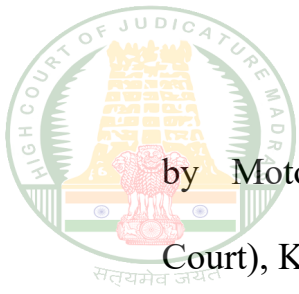
CMA No. 2666 of 2022

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the decree and Judgement passed in MACT OP No.327 of 2011 dated 28.03.2019 on the file of the Motor Accidents Claims Tribunal, Additional District Court (Fast Track Court), Kancheepuram.

For Appellant(s):	Mrs.N.B.Sureka
For Respondent(s):	M.Sivakumar
	FOR RR1 AND 2
	R-3 No appearance

Judgment

This Civil Miscellaneous Appeal has been filed against the award passed



by Motor Accidents Claims Tribunal, Additional District Court (Fast Track Court), Kancheepuram in MACT O.P.No.327 of 2011 dated 28.03.2019.

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2. The respondents 1 and 2 are the parents of the deceased. The case of the claimant is that on 04.06.2011, the deceased was riding a two wheeler towards Arakonam and at about 10.15 p.m, when he was proceeding on the Sholingar High road, the offending vehicle, which was also a two wheeler, came from the opposite direction and was driven in a rash and negligent manner. As a result, it dashed against the two wheeler ridden by the deceased and the deceased was thrown out of the vehicle and he sustained multiple injuries and subsequently, succumbed to the injuries at the hospital. It is under these circumstances, the claim petition came to be filed before the Tribunal under Section 163 A of the Motor Vehicles Act.

3. The Insurance Company filed a counter stating that it was not liable to pay the compensation since the deceased had borrowed the vehicle and met with an accident and that it is the deceased, who was the tortfeasor in this case.

4. 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 claim petition was maintainable and accordingly, by applying the structured formula under Section 163 A of the Motor Vehicles Act, the Tribunal



awarded a total compensation of Rs.5,00,000/- as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
	Loss of Income	Rs.5,00,000/-
	Total	Rs.5,00,000/-

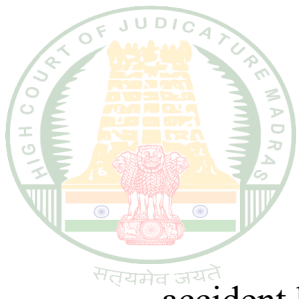
5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the said award, the insurance company has filed this Appeal.

6. Heard Mrs.N.B.Sureka, learned counsel for appellants/claimants and Mr.M.Sivakumar, learned counsel for the respondents 1 and 2.

7. This Court carefully considered the submissions made on either side and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.

9. In the case in hand, the deceased was driving the borrowed vehicle and met with an accident due to his own negligence. The claim petition has been filed against the owner of the two wheeler by invoking Section 163A of the Motor Vehicles Act. It is now too well settled that Section 163A of the Act can be made only as against the owner of the offending vehicle and not against the owner of the vehicle from whom the vehicle has been borrowed and the



N.ANAND VENKATESH J.

RKA

accident had taken place. Useful reference can be made to the judgement of the Apex Court in *[Ramkhiladi and another Vs. United India Insurance Company and another]* reported in **2020 1 CTC 443**. Reference can also be made to the judgement of this Court in *[National Insurance Co. Ltd Puducherry Vs. Rani and others]* reported in **2020 2 CTC 703**.

10. In the light of the above discussion, the award passed by the Tribunal entertaining the claim petition under Section 163A of the Act and awarding compensation under the structured formula, cannot be sustained. Therefore, this Court is inclined to interfere with the award passed by the Tribunal and accordingly, the same is hereby set-aside. The amount deposited by the Insurance company along with accrued interest shall be permitted to be withdrawn.

11. In the result, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

13-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accidents Claims Tribunal,

Additional District Court (Fast Track Court), Kancheepuram.

CMA No. 2666 of 2022 AND CMP NO. 20891 OF 2022