



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1866 of 2026

and

CMP No.14980 of 2026

The Branch Manager
Reliance General Insurance Co. Ltd,
1st Floor, Dhanam Towers,
No.1, Binny Main Road,
Park Road,
Tiruppur 641 601.

..Appellant(s)

Vs

1. Srirenga Narayanamoorthi

2. N.Thangavelu

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the award dated 02.01.2026 in MCOP.No.1076 of 2021 on the file of the Special District Judge, Tiruppur (Special District Court, Tiruppur) and allow the appeal.

For Appellant(s): Mr.R.Sunilkumar

JUDGMENT

(Judgment of the Court was delivered by K.RAJASEKAR, J.)

The Insurance Company has filed the appeal to set aside the award dated 02.01.2026 in MCOP.No.1076 of 2021, on the file of the Special District Judge, Special District Court to deal with MCOP Cases, Tiruppur.



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2.The first respondent/petitioner therein had come forward with a claim petition seeking compensation for the injuries sustained by him in the road accident taken place on 05.02.2020 at about 17.30 hours near Usha Marbles, Vanjipalayam Road, Tirupur. In the accident, he sustained spinal cord injuries and other injuries and hence he had claimed a sum of Rs.40,00,000/- as compensation by invoking Section 166 of the Motor Vehicles Act.

3.Before the Tribunal on the side of the claimant, PW1 and PW2 were examined, Exs.P1 to P13 were marked. No oral or documentary evidence was adduced on the side of the respondents. Ex.X1, PW2's Aadhar card was marked through witnesses and Ex.C1, Disability certificate issued by Medical Board, Tiruppur, was marked as Court side document.

4.The Tribunal after considering the evidence placed on record accepted the case of the claimant that the accident happened due to the negligence of the driver of the first respondent and held that the respondents are jointly and severally liable to pay the compensation. The Tribunal, based on the Aadhar card Ex.P7, fixed the age of the claimant as 48 years and also based on the disability certificate issued has granted loss of future income due to the functional disability and further granted compensation under various heads and awarded Rs.32,52,144 as compensation along with interest. Aggrieved over the Award passed against the insurance company, this appeal has been filed.



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5. The learned counsel for the appellant insurance company submitted that the driver of the offending vehicle was not possessing driving license. Hence, there is violation of the policy condition and also submitted that the age of the injured was not properly fixed though there is an admission that the injured was aged about 53 years. He further submitted that the quantum of compensation awarded under the other heads are also on the higher side and prayed to modify the same.

6. We have heard the parties at the stage of admission stage itself.

7. It is found that the Tribunal, based on the Aadhar card, has fixed the age of the injured as 48 years. The insurance company relied on the oral evidence of the claimant and contended that the claimant was aged about 52 years and hence, the age of the claimant has to be modified to such extent. However, we have carefully perused the oral evidence of PW1. It was elicited from him that Exs.P2 and P3 are the documents registered by the police based on the age given in the FIR. In these documents, it is stated that the age of the claimant is 52 years and there is no specific suggestion put to PW1 that he was aged about 52 years. The question put to him is that Exs.P2 and P3 contained the age of the claimant and it is recorded as 52 years and he affirmed the same. However, the claimant's case is that he is aged only about 48 years and to support the same, he produced Ex.P7 Aadhar card. Since the documents relied on by the insurance company is based on the records of the police executed at the time of



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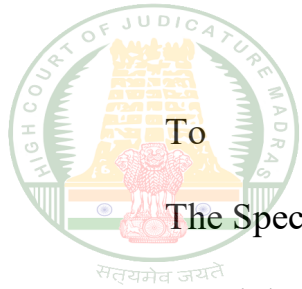
registration of FIR, these documents could not be having probative value than the Aadhar Card which came to into existence before the accident. It is also to be noted that PW1 in the cross examination has also stated that his name has not been properly given in the above exhibits (Ex.P2 and Ex.P3) and his original name has not been properly given. We have also gone through the records and we are satisfied with the explanation given by him. Hence, we are of the view that the age fixed by the Tribunal is proper.

8. With regard to the allegation of violation of the policy condition, the insurance company has not examined any witnesses to show that the driver of the vehicle is not having driving license. In the absence of any witness to prove the same, the contention of the learned counsel for the appellant insurance company is rejected.

9. Accordingly, the Award dated 02.01.2026, in MCOP.No.1076 of 2021, passed by the Special District Judge, Special District Court to deal with MCOP Cases, Tiruppur is confirmed. The Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
23-06-2026

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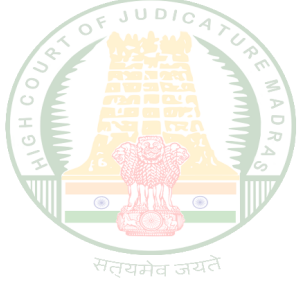
To

The Special District Judge,

Special District Court to deal with MCOP Cases,

Tiruppur.

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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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