



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CMA No. 91 of 2023
and CMP No.723 of 2023**

The Divisional Manager
M/s.ICICI LOMBARD INSURANCE
COMPANY LTD.,
No.1 and 2, Anirutha Apartment,
3rd Floor, No.805/200,
Vellacherry Main Road,
Salaiyur, Chennai.

..Appellant(s)

.Vs.

1. Gnanaprakasam
S/o.Munusamy

2.Elisapath
W/o.Gnanaprakasam

3.Stephenraj
S/o.George

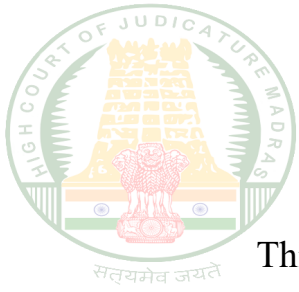
..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to against the Judgment and Decree dated 25.02.2021 in MCOP.No.1967 of 2015 on the file of the Motor Accident Claims Tribunal (Principal District Judge) at Cuddalore.

For Appellant(s): Mrs. R. Sree Vidhya

For Respondent(s): Mr.M.sudharsan for R1

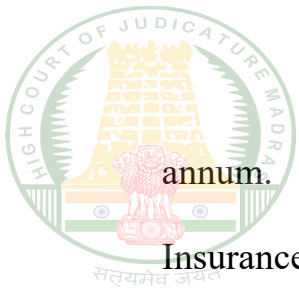


JUDGMENT

This appeal has been filed by the Insurance Company against the award passed by the Motor Accident Claims Tribunal (Principal District Judge), Cuddalore, passed in MCOP No.1967 of 2015 dated 25.02.2021.

2. The 1st and 2nd respondents, who are the parents of the deceased Stephen are the claimants. The case of the respondents is that the deceased had borrowed the two wheeler from the 3rd respondent herein and was riding the vehicle at Srimushnam to Vridhachalam main road on 14.01.2015 and at about 7.30 hours, a stray dog crossed the road and the deceased in order to avoid hitting the dog applied break and he lost control and the two wheeler hit the road side palm tree. The deceased was thrown out of the vehicle and he sustained grievous injuries and he succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal under Section 163A of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act')

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the claim petition filed under Section 163A of the Act is maintainable and hence applied the structure formulae and fixed the total compensation at Rs.5,00,000/- which was directed to be paid by the Insurance Company with interest at the rate of 8% per



annum. Aggrieved by the same, the present appeal has been filed by the Insurance Company.

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4. Heard the learned counsel for the appellant and the learned counsel for the 1st respondent.

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

6. The issue that is involved in the present case is squarely covered by the earlier judgment of the Apex Court in ***Ramkhiladi v. United India Insurance Co.***, reported in **(2020) 1 CTC 443**. It was made clear that where the deceased was driving a borrowed vehicle and met with an accident, no claim can be made against the owner of the vehicle and the deceased cannot be treated as a third party in respect of the borrowed vehicle. Accordingly, it was held that the petition filed under Section 163A of the Act, cannot be entertained. Reference can also be made to the judgment of this Court in ***National Insurance Co. Ltd., Puducherry .vs. Rani and Others*** reported in **(2020) 2 CTC 703**.

7. In view of the above discussion, the Tribunal went wrong in entertaining the application filed under Section 163A of the Act. Consequently, the compensation fixed by the Tribunal and direction to the Insurance Company



to pay the same are unsustainable and it requires the interference of this Court.

Accordingly, the award passed in MCOP.No.1967 of 2015, dated 25.02.2015, on the file of the Motor Accident Claims Tribunal (Principal District Judge) at Cuddalore, is hereby set aside and this Civil Miscellaneous Appeal stands allowed. The amount deposited shall be permitted to be withdrawn by the Insurance Company with accrued interest.

8.This Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13-07-2026

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

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To

The Motor Accident Claims Tribunal
(Principal District Judge) at Cuddalore.



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N.ANAND VENKATESH J.

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