



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1611 of 2023

R.Vinoth Kumar
S/o.Rose

..Appellant

Vs

1. T.S.Arul Murugan
S/o.Shanmugam
2. The United India Insurance Company
having its office at,
No.48, Arcot Road,
Saligramam, Chennai 600 093.

..Respondents

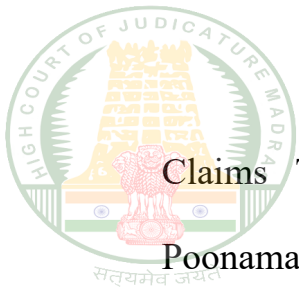
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment passed in M.C.O.P.No.280 of 2016 dated 28.02.2023 on the file of Motor Accident Claims Tribunal (II Additional District and Sessions Judge), Tiruvallur at Poonamallee.

For Appellant : Mr.K.Varadha Kamaraj

For Respondents : No appearance [R1]
Mr.B.Sathish Babu
for Ms.R.Vijayakamala [R2]

JUDGMENT

This appeal has been filed against the judgment passed in M.C.O.P.No.280 of 2016 dated 28.02.2023 on the file of Motor Accident



Claims Tribunal, II Additional District and Sessions Judge, Tiruvallur, Poonamallee. wherein the claimant is questioning the rejection of the claim petition.

2. The case of the claimant is that on 05.02.2016, the claimant was riding a two wheeler at Chennai to Bangalore National Highways and at about 15.30 hours, near Nazarthpet 400 feet bridge, the offending vehicle, a bus, which was coming in the same direction behind the two wheeler, dashed on the two wheeler as a result of which the claimant fell down and sustained serious injuries. A First Information Report came to be registered against the driver of the offending vehicle in Crime No.148 of 2016. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal on considering the facts and circumstances of the case and appreciation of materials before it, came to a conclusion that the claimant was under the influence of alcohol and the entire accident had taken place only due to the negligence of the claimant and consequently, the Tribunal proceeded to reject the claim petition by award dated 28.02.2023. Aggrieved by the same, the present appeal has been filed before this Court.

4. Heard learned counsel for appellant and learned counsel for second respondent insurance company. This Court also considered the materials

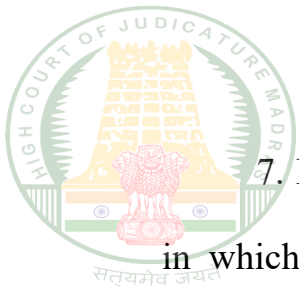


available on record and carefully went through the award passed by the Tribunal.

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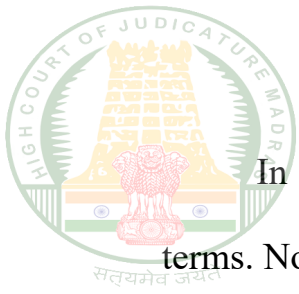
5. The claimant had examined himself as PW-1. The First Information Report [Ex.P1], was marked to establish that the First Information Report has been registered against the driver of the offending vehicle. The Tribunal was swayed by one of the noting in the Accident Register [Ex.P2] to the effect that 'patient under the influence of alcohol'. Hence, the Tribunal proceeded to reject the entire claim petition by attributing entire negligence on the claimant.

6. In the considered view of this Court, a mere noting in the Accident Register by the doctor to the effect that the claimant was under the influence of alcohol, by itself does not establish that the accident had taken place only due to the inebriated condition of the claimant. Strictly speaking, the percentage of alcohol in the blood has to be established to even conclude as to whether the claimant was under the influence of alcohol. However, such a noting made in the Accident Register by the doctor, cannot be completely disregarded by the Court and the Court has to keep that in mind while appreciating the evidence and analyse the manner in which the accident takes place. If the Court finds that there is an element of negligence on the part of the claimant/deceased then the noting in the Accident Register about the claimant smelling alcohol will have to be given due weightage.



7. In the case in hand, the evidence of PW-1 clearly explains the manner in which the accident had taken place. This is a case where the offending vehicle had hit the two wheeler on the rear side. There is no contra evidence available to refute the evidence of PW-1. Apart from that, the First Information Report [Ex.P1] has been registered only as against the driver of the offending vehicle. In view of the same, the Tribunal was not right in rejecting the claim petition only on the ground that a noting was made in the Accident Register to the effect that the patient was under the influence of alcohol.

8. In the light of the above discussion, the award passed by the Tribunal in M.C.O.P.No.280 of 2016 dated 28.02.2023 is hereby set aside and this Court holds that the negligence was only on the part of the driver of the offending vehicle. The Tribunal has not fixed compensation under various heads. Hence, the matter is remanded back to the file of Motor Accident Claims Tribunal, II Additional District Court, Tiruvallur, Poonamallee, with a direction to determine the compensation to be fixed under various heads and to pass a final award. The final award shall be passed within a period of three (3) months from the date of receipt of a copy of this judgment after affording opportunity to the claimant and the insurance company.



In the result, this Civil Miscellaneous Appeal is allowed in the above terms. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal,
II Additional District and Sessions Judge,
Tiruvallur, Poonamallee.



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N.ANAND VENKATESH, J.

gm

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