



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1987 of 2026

Rithishkumar
S/o Saravanan,
No.113, K.Papparapatti Village,
Mottur Post, Uthangarai Taluk, Krishnagiri
District
now at
Periyasamipillai street, behind Fathima Church,
Krishnagiri - 635 001

..Appellant(s)

Vs

1. Anbarasan
s/o Murugan,
2. Cholamandalam MS General
MS Insurance Co ltd.,
2nd floor, DARE House,
No.2, NSC Bose Road, Chennai - 600001

..Respondent(s)

CMA No. 1987 of 2026

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles act, 1988, to set aside the order and award compensation amount and fix the entire liability on 2nd respondent made in order dated 20.02.2026 made in MCOP No.520 of 2024 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Krishnagiri by allowing this Civil Miscellaneous Appeal.

CMA No. 1987 of 2026

For Appellant(s):

Mr.S.P.Yuaraj
K.Premnath
S.Ramprabu



WEB COPY

CMA No. 1987 of 2



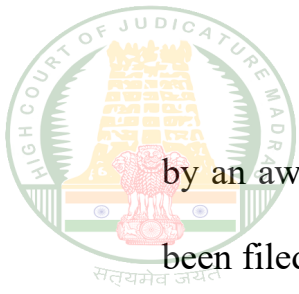
M.Mahalakshmi

Judgment

This Civil Miscellaneous Appeal has been filed by the claimant challenging the award passed by the Motor Accident Claims Tribunal, Special Sub Judge, Krishnagiri, in MCOP No.520 of 2024 dated 20.02.2026, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2. The Appellant is the claimant. The case of the appellant is that on 02.01.2024, the appellant was proceeding in his two wheeler from Thiruvannamalai to Uthangarai Road. While so, the offending vehicle which was a car was driven in a rash and negligent manner and it over took a lorry and dashed on the two wheeler driven by the appellant. As a result of which, the appellant sustained serious injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

3. 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 accident had taken place only due to the rash and negligent driving on the part of the appellant and therefore, since the petition has been filed under Section 166 of the Motor Vehicles Act and the negligence of the offending vehicle has not been established, the claim petition itself came to be dismissed



by an award dated 20.02.2026. Aggrieved by the same, the present appeal has been filed before this Court.

WEB COPY

4. Heard Mr.S.P.Yuvaraj, learned counsel for appellant/claimant .

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

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

7. The learned counsel for the appellant submitted that PW1 and PW2 are the eye witnesses to the occurrence and that they have categorically deposed that it is the driver of the 1st respondent vehicle, who alone drove the vehicle in a rash and negligent manner and dashed against the two wheeler driven by the appellant. The learned counsel further submitted that PW2 had infact informed the police about this fact and his statement was also recorded under Section 161 of Cr.PC. The learned counsel submitted that the Tribunal dismissed the claim petition mainly by placing reliance upon the FIR and the final report that was filed in the criminal case and that it cannot be the sole basis for determining the negligence in a motor accident case, where the Tribunal is expected to independently apply its mind and take a decision. To substantiate his

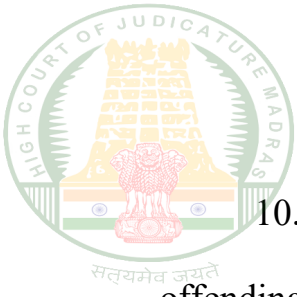


submissions, the learned counsel relied upon the judgement of the Apex Court in *[Mangla Ram Vs. Oriental Insurance Company Limited and others]*

reported in **2018 5 SCC 656**. The learned counsel further relied upon the judgement of the Apex Court in *[Sunita and others Vs. Rajasthan State Road Transport Corporation and others]* reported in **2020 13 SCC 486**, to substantiate his submission that the strict rules of evidence will not apply while dealing with a motor accident case and that the Tribunal has to decide the issue of negligence in the touchstone of the principle of preponderance of probabilities.

8. It is true that the Tribunal is not bound by the criminal proceedings that are pending against the appellant. It is also true that the Tribunal has to decide the case on the touchstone of the principle of preponderance of probabilities while deciding the issue of negligence.

9. In the case in hand, the Tribunal, apart from considering the evidence of PW1, 2 and 3 also took note of the FIR marked as Ex.P1 and also the report of the Motor Vehicles Inspector, which was marked as Ex.R1 series. On appreciation of evidence, the Tribunal came to the conclusion that it is the appellant, who was solely responsible for the accident. This finding has been rendered after assessing the evidence and unless and otherwise, this Court finds any perversity in the said finding, the same cannot be interfered with.



10. In the absence of establishing negligence on the part of the offending vehicle, a claim petition cannot be maintained and it has been rightly rejected by the Tribunal. This Court does not find any ground to interfere with the award passed by the Tribunal. Accordingly, this Appeal stands dismissed. No costs.

02-07-2026

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

RKA

To
The Motor Accident Claims Tribunal, Special Sub Judge, Krishnagiri.



WEB COPY

CMA No. 1987 of 2



N.ANAND VENKATESH J.

RKA

CMA No. 1987 of 2026

02-07-2026