

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA Nos. 171 of 2023 & 173 of 2023

and

CMP No. 1434 of 2023 & CMP No. 1437 of 2023

The United India Insurance Co. Ltd.,
28, Mailam Road, Meenakshi Complex,
2nd Floor, Tindivanam Now at
Regional Office, Motor Third Party
Claims Hub, 4th Floor, Siling Building,
No. 134, Greams Road,
Chennai - 600 006.

..Appellant(s)

.Vs.

1. Krishnammal
W/o. Thangaraj..

2.Thangaraj
S/o. Mailsamy.

3.The Managing Director
Adhiparasakthi Institute of Medical
Science and Research, Melmaruvathur,
Cheyyur Taluk, Kancheepuram District.

..Respondent(s)

PRAYER in CMA No.171 of 2023

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Order dated 01.07.2022 in MCOP No.34 of 2016 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal and Additional District Court, Chengalpattu.

**PRAYER in CMA No. 173 of 2023**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the Civil Miscellaneous appeal by setting aside the order dated 01.07.2022 in MCOP No.30 of 2012 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal and Additional District Court, Chengalpattu.

For Appellant(s): Mr R.Rajesh
for Mr.P.Sankaranarayanan

For Respondent(s): E.Thiyaga
for Mr.B.Balavijayan
for R1 & R2
Mr.A.S.Balaji for R3

COMMON JUDGMENT

The issue involved in both these appeals are common and hence, they are taken up together, heard and disposed of through this common order.

2.The first and second respondents who are the parents of the deceased are the claimants in both the cases. The claimants in MCOP No.30 of 2012 are the parents of the deceased Murali. The claimants in MCOP No.34 of 2016 are the parents of the deceased Mariappan. The deceased Mariappan was the rider of the two wheeler and the deceased Murali was the pillion rider. On 7.03.2009, the deceased Mariappan was riding the two wheeler from Chengalpattu to Ozhalur Village and the offending vehicle which was an ambulance, came in a



rash and negligent manner from the opposite direction and dashed against \ the two wheeler of the deceased. As a result of which, the rider and the pillion rider sustained fatal injuries and ultimately succumbed to the injuries. Based on the complaint given by the Ambulance driver, an FIR came to be registered against the rider of the two wheeler in Crime No.100 of 2009. It is under these circumstances, both the claim petitions came to be filed by the parents of the deceased.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of evidence came to a conclusion that the accident had taken place only due to the rash and negligent driver on the part of the ambulance van driver. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.14,71,950/- in both the cases under the following heads:

<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Earning	12,09,600/-
2	Transport to Hospital	1,000/-
3	Funeral Expenses	16,500/-
4	Loss of Estate	16,500/-
5	Damages to clothing and articles	350/-
6	Compensation for pain and sufferings	40,000/-
7	Compensation for Love and affection	1,00,000/-
8.	Loss of Consortium	88,000/-
	Total :	14,71,950/-



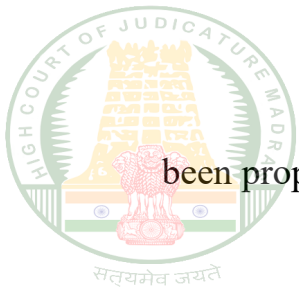
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The compensation was directed to be paid along with interest at the rate of 6% p.a. Aggrieved by the same, the Insurance Company has filed both the appeals mainly on the ground of negligence.

4. Heard the learned counsel for the appellant and the learned counsel for the respondents.

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

6. The learned counsel for the appellant/Insurance Company submitted that the evidence of RW.1 read along with the investigation report marked as R.4 in both the cases, shows that the ambulance was moving from Maduranthagam towards Chengalpattu, whereas the two wheeler was moving towards Madurathagam. The scene of crime (SOC) shows that the accident had taken place when the two wheeler had swerved to the right side and collided with the ambulance. The learned counsel further submitted that the FIR was registered against the rider of the two wheeler and the final report was closed as abated since the rider had died. Therefore, there is certainly contributory negligence on the part of the rider of the two wheeler and that the same has not



been properly considered by the Tribunal.

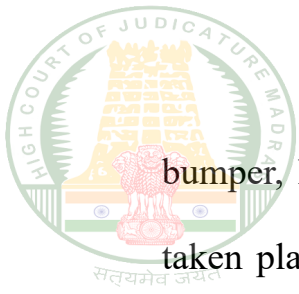
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7.Per contra, the learned counsel for the claimants in both the appeals submitted that the Tribunal had properly appreciated the evidence and fixed the negligence on the driver of the ambulance. It is further submitted that the Tribunal had already fixed a fair and just compensation and it does not require the interference of this Court.

8.In the case in hand, the claimants, on their side, examined the eye witness as PW.2. This witness has explained the manner in which the accident had taken place. He stated that the ambulance swerved to the right in order to avoid hitting a cattle and thereby dashed against the two wheeler. On the other hand, RW.1 stated that it was the two wheeler which swerved and that there was a head on collision.

9.The Tribunal, while appreciating the evidence, came to the conclusion that the evidence of the eye witness was discredited. Therefore, the Tribunal chose to rely upon same and fix the entire negligence on the driver of the ambulance.

10.This Court carefully went through R.4 FORM AIR, which shows that the ambulance had suffered damage on the windscreen glass, left side front



bumper, left side head light and left side front mudguard. If the accident had taken place as deposed by RW.1 and as is attempted to be projected from the rough sketch which forms part of Ex.R.4, there is no explanation as to how the entire damage to the ambulance would have been caused on the left hand side. In view of the same, by applying the standard of preponderance of probability, the evidence of PW.2, who is the eye witness, can safely be relied upon.

11.The tribunal has rightly relied upon evidence of PW.2 and had reached the conclusion that the negligence was on the part of the driver of the ambulance. This finding of the Tribunal does not suffer from any perversity warranting the interference of this Court.

12.Insofar as the compensation amount is concerned, the Tribunal has fixed a balanced and fair and just compensation and it does not require the interference o this Court.

13.In the result, the award passed by the Motor Accident Claims Tribunal (Additional District Judge, Chengalpattu) in MCOP Nos.34 of 2016 and 30 of 2012, dated 01.07.2022, is hereby confirmed and both the Civil Miscellaneous Appeals are dismissed. No costs.

13-07-2026



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

Motor Accident Claims Tribunal and Additional District Court,
Learned Additional District Judge,
Chengalpattu.



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N.ANAND VENKATESH J.

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and CMA No. 173 of 2023**

13-07-2026