



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2412 of 2022

Vellaiyappan Raman
Son of Raman, Nadupatti
Lakshmapuram, Pappireddipatti,
Dharmapuri – 636 905.

Appellant(s)

.Vs.

1. Govintharaj
Son of Annamalai

2.The New India Assurance Company Ltd.,
Obli Towers, R.S.Puram,
Coimbatore-641002

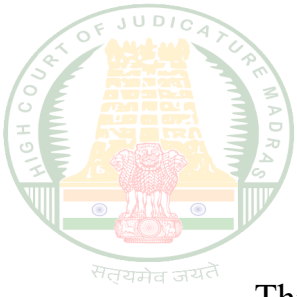
Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the award dated 01.07.2022 in MCOP No.2160 of 2018 on the file of the Court of Exclusive Motor Accident Claims Tribunal, Tiruppur.

For Appellant(s): Mr.M. Lokesh

For Respondent(s): C.Ramesh Babu for R2

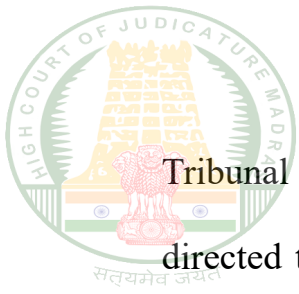


ORDER

This appeal has been filed against the award passed by the Exclusive Motor Accident Claims Tribunal, Tiruppur in MCOP No.2160 of 2018 dated 01.07.2022, wherein the Tribunal has rejected the claim filed by the appellant by attributing the entire negligence on the part of the appellant and had granted only a sum of Rs.25,000/- as “no-fault liability” under Section 140 of the Motor Vehicles Act.

2.The case of the claimant is that on 21.07.2018, the claimant was travelling in his two wheeler and at about 6.30 a.m., the offending vehicle which was a Zylo car was driven in a rash and negligent manner and it hit the two wheeler, as a result of which, the claimant was thrown out of the two wheeler and he suffered injuries on his neck, throat, nose, head and injuries all over the body. An FIR came to be registered in Crime No.691 of 2018, against the driver of the offending vehicle. 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 on appreciation of evidence came to a conclusion that the accident had taken place only due to the negligent driving on the part of the claimant and therefore rejected the petition filed under Section 166 of Motor Vehicles Act. The



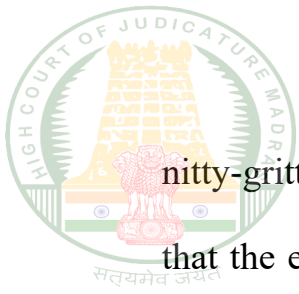
Tribunal proceeded to grant a sum of Rs.25,000/- under “no fault liability” and directed the 2nd respondent Insurance Company to pay this amount along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

4. Heard the learned counsel for the appellant and learned counsel for the 2nd respondent/Insurance Company.

5. In the case in hand, the accident had taken place on 21.07.2018 at about 6.30 a.m. The claimant, who was the injured in this case, examined himself as PW-1. He was described the manner in which the accident had taken place. Apart from that, the FIR [Ex.P-1] was also registered against the driver of the offending vehicle in Crime No.691 of 2018. On completion of the investigation, the final report was also filed against the driver of the offending vehicle, which was marked as Ex.P-2.

6. The driver of the offending vehicle remained ex-parte and the Insurance Company also did not let in any contra evidence.

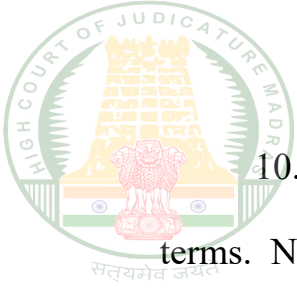
7. In the absence of discrediting the evidence of the claimant during cross examination and in the absence of any contra evidence available, the Tribunal ought to have fixed the negligence on the driver of the offending vehicle. Instead, the Tribunal disregarded the evidence of PW-1 and went into the



nitty-gritties of the report of the motor vehicle Inspector and rendered a finding that the entire negligence is on the part of the claimant. This finding rendered by the Tribunal suffers from perversity and it requires the interference of this Court.

8.The Tribunal did not fix the compensation under any of the traditional heads since the petition filed under Section 166 of the Motor Vehicles Act was rejected. The Tribunal only fixed Rs.25,000/- as 'no fault liability'. In view of the same, after allowing this appeal by finding that the negligence is only attributable to the driver of the offending vehicle, the matter has to be remanded back to the Tribunal to determine the compensation amount payable to the claimant. This Court is also inclined to fix a time limit for this purpose.

9.In the result, the award passed by the Tribunal in MCOP No.2160 of 2018 dated 01.07.2022, on the file of Exclusive Motor Accident Claims Tribunal, Tiruppur, is set aside. The matter is remanded back to the file of the Tribunal only for the purpose of fixing the compensation payable to the claimant. It is seen that all the relevant documents have already been marked as exhibits and Ex-X.1 disability certificate has also been marked. Considering the same, the Tribunal has to hear both sides and fix the compensation payable to the claimant. This process shall be completed within a period of three months from the date of receipt of a copy of this judgment.



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

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07-07-2026

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

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To

The Court of Exclusive Motor Accident Claims Tribunal,
Tiruppur.



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N.ANAND VENKATESH J.

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