



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA Nos. 789 of 2022 & 835 of 2022

and

CMP No. 5662 of 2022, CMP No. 6021 of 2022

CMA No. 789 of 2022

Iffco Tokio General Insurance Co Ltd
Office at No.148, Vinayaga Complex,
2nd Floor, Opp. to Ganesh TVS
Showroom, Erode 638 011.

Appellant(s)

.Vs.

1. Chenniappan
S/o.Komarasamy Gounder

2.D.Yuvaraja
S/o.Dhanasekaran

Respondent(s)

PRAYER

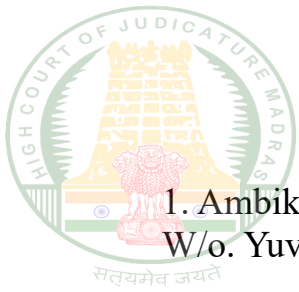
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decretal order dated 01.02.2021 made in MCOP No.181/2017 on the file of the Motor Accident Claims Tribunal, IV Additional District and Sessions Judge, Bhavani.

CMA No.835 of 2022

Iffco Tokio General Insurance
Company Ltd.,
Office at No.148, Vinayaga Complex,
2nd Floor, Opp. to Ganesh TVS
Showroom, Erode 638 011.

..Appellant(s)

.Vs.



1. Ambika
W/o. Yuvaraja

2.D. Yuvaraja
S/o. Dhanasekaran

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decreetal order dated 01.02.2021 made in MCOP No.165/2017 on the file of the Motor Accident Claims Tribunal, IV Additional District and Sessions Judge, Bhavani.

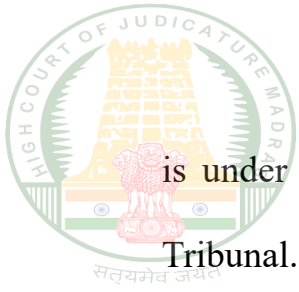
For Appellant (s) : Mr.B.Sivakollapan

For Respondent(s) : Mr.Ma.P.Thangavel
and
Mr.M.Lokesh
for R1

COMMON JUDGMENT

These appeals arise out of the common award passed in MCOP Nos.181 and 165 of 2017 dated 01.02.2021, wherein the Insurance Company is questioning their liability.

2.The case of the claimants is that they were the occupants of a car which was travelling at Perundurai to Maakinankompai main road on 12.02.2017 and at about 11.25 a.m, near Sannakuli, the offending vehicle which was also a car was driven in a rash and negligent manner and it dashed on the car in which the claimants are travelling. As a result, the claimants sustained serious injuries. It



is under these circumstances, the claim petitions came to be filed before the Tribunal.

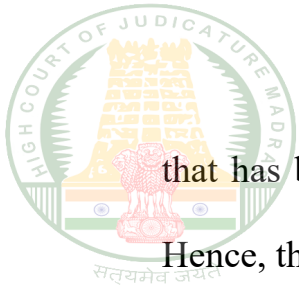
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3.The Tribunal on, considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4.The Tribunal thereafter considered the objection raised on the side of the appellant Insurance Company to the effect that the occupants of the car are not covered under the policy since no premium has been paid and the Tribunal came to the conclusion that the occupants of the car will be treated as third party and accordingly, the Tribunal fixed the compensation and directed the same to be paid by the appellant Insurance Company along with interest. Aggrieved by the same, these appeals have been filed before this Court.

5.Heard the learned counsel for the appellant/Insurance Company and the learned counsel for the 1st respondent.

6.It is brought to the notice of this Court that the connected appeal filed by the Insurance Company in CMA No.821 of 2022, arising out of the same accident came to be dismissed by an order dated 27.09.2023. The reasoning



that has been assigned in that appeal will equally apply to these appeals also.

Hence, these appeals also stand dismissed.

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7. Accordingly, both the Civil Miscellaneous Appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27-07-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The Motor Accident Claims Tribunal,
IV Additional District and Sessions Judge, Bhavani.



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N.ANAND VENKATESH J.

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**CMA Nos. 789 of 2022
and
CMA No. 835 of 2022**

27-07-2026