



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.678 of 2024
and CMP No.6282 of 2024

1.M.Ramu

..Appellant

.VS.

1.M.Sekar

2.S.Muniyammal

3.The Shriram General Insurance,
No.4, 2nd Floor, Mookambika Complex,
Laddy Desika Road,
Chennai

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Award of the Motor Accident Claims Tribunal, Madurantakam, made in MCOP.No.185 of 2017, dated 21.06.2023.

For Appellants : Mr.K.Ramachandran

For Respondents : Ms.J.Swetha for
Mr.K.Govi Ganesan for R1 and R2
Ms.V.Pushpa for R3



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT, Subordinate Judge, Madurantakam in MCOP No.185 of 2017 dated 21.06.2023.

2.The 1st and 2nd respondents are the parents of the deceased Thangaraj. They had filed a claim petition on the ground that on 19.08.2013, the deceased travelled in the TATA Ace vehicle belonging to the appellant herein and at about 8.45 a.m., the two wheeler was driven by one Paramasivan from Elapakkam Koot Road to Ramapuram. At that point of time, the driver of the TATA Ace vehicle while came from Vadavasi to Ramapuram dashed against the two wheeler, as a result of which, the vehicle capsized. The deceased sustained multiple injuries and he succumbed to the injuries on 20.08.2013. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3.The appellant herein who was added as the 1st respondent in the claim petition did not chose to contest the case and was set ex-parte.

4. The Tribunal on considering the facts and circumstances of the case

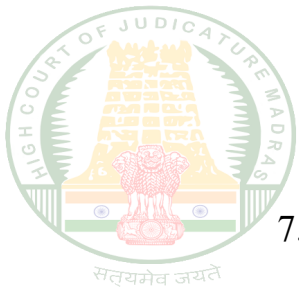


and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the TATA Ace vehicle.

5. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.10,87,800/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency	9,82,800
Loss of Consortium	80,000
Loss of Estate	10,000
Funeral Expenses	15,000
Total	10,87,800

6. The Tribunal thereafter went into the issue of liability and found that the deceased had traveled as an unauthorized passenger in the TATA Ace vehicle and the insurance policy marked as EX.P2 did not cover such unauthorized passenger and accordingly, the Insurance Company was exonerated from the liability and the entire liability was put against the appellant, who is the owner of the vehicle.



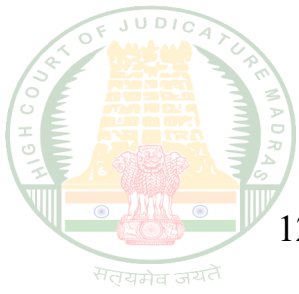
7.The compensation amount fixed by the Tribunal was directed to be paid along with interest at the rate of 7.5% per annum by the appellant.

8.Aggrieved by the same, the present appeal has been filed before this Court.

9.Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents.

10.The main ground that was urged by the learned counsel for the appellant is that the appellant's vehicle was insured with the 3rd respondent/Insurance Company and the deceased travelled in the vehicle in his capacity as the owner of the goods and hence, the Tribunal ought to have directed the Insurance Company to pay the compensation under the policy.

11.In the considered view of this Court, the appellant remained ex-parte before the Tribunal. Hence, the appellant cannot introduce any new facts before this Court. This Court must only consider the Award based on the pleadings and evidence and see if it suffers from any perversity.



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12.The Tribunal on appreciating the evidence came to a conclusion that the deceased was travelling on the back side of the vehicle and he was an unauthorised passenger and EX.P2 Policy did not cover such an unauthorised passenger. Hence, the liability was put against the owner of the vehicle.

13.The above finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court. Therefore, this Court confirms the finding of the Tribunal on the liability and accordingly, this Civil Miscellaneous Appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

15.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

The Subordinate Judge, Motor Accident Claims Tribunal, Madurantakam.

CMA No.678 of 2024

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