



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.340 of 2017
and CMA Nos.2344 & 2345 of 2018
and CMP Nos.17901 & 17910 of 2018

CMA No.340 of 2017

Mr. M.V.Santhana Krishnan (Since Died)

1.S.Muralikrishnan

2.S.Varalakshmi

3.S.Balakrishnan

4.S.Venkatakrishnan

..Appellants

.vs.

1.R.Rajamanickam

2.M/s United India Insurance Co Ltd
No.134 Greams Road, Chennai-600 006.

3.Syed Abduhameer

4.Shri Ram General Insurance Co Ltd
10003-ERIICO Industrial Area, Sitapura,
Jaipur, Rajasthan.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 10.02.2016 made in MCOP.No.2863 of 2009 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge-I), Chennai.



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For Appellants : Mr.K.Varadharaja Kamaraj

For Respondents : Mr.S.Arun Kumar

CMA No.2344 of 2018

M/s United India Insurance Co Ltd
No.134 Greams Road, Chennai-600 006.

..Appellant

.VS.

Mr. M.V.Santhana Krishnan (Since Died)

1.S.Muralikrishnan

2.S.Varalakshmi

3.S.Balakrishnan

4.S.Venkatakrishnan

5.R.Rajamanickam

6.Syed Abdhuhameer

7.Shri Ram General Insurance Co Ltd

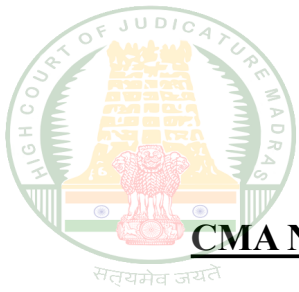
10003-ERIICO Industrial Area, Sitapura,
Jaipur, Rajasthan.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 10.02.2016 made in MCOP.No.2863 of 2009 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge-I), Chennai.

For Appellant : Mr.S.Arun Kumar

For Respondents : Mr.K.Varadharaja Kamaraj
for R1 to R4



CMA No.2345 of 2018

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M/s United India Insurance Co Ltd
No.134 Greams Road, Chennai-600 006.

..Appellant

.vs.

Mr. M.V.Santhana Krishnan (Since Died)

1.S.Muralikrishnan

2.S.Varalakshmi

3.S.Balakrishnan

4.S.Venkatakrishnan

5.R.Rajamanickam

6.Syed Abdhuhameer

7.Shri Ram General Insurance Co Ltd

10003-ERIICO Industrial Area, Sitapura,
Jaipur, Rajasthan.

..Respondents

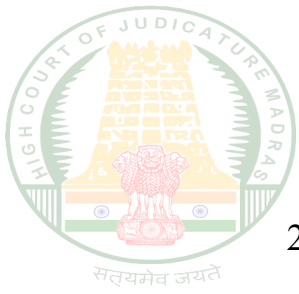
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 10.02.2016 made in MCOP.No.2863 of 2009 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge-I), Chennai.

For Appellant : Mr.S.Arun Kumar

For Respondents : Mr.K.Varadharaja Kamaraj
for R1 to R4

COMMON JUDGMENT

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



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2.The claimants in MCOP No.2863 of 2009 are the legal heirs of the deceased Vimala. The claimants in MCOP No.2864 of 2009 are the legal heirs of one Santhana Krishnan who filed the petition claiming compensation for his injury.

3.The case of the claimants is that on 04.07.2007, the deceased Vimala and Santhana Krishnan were travelling in a car at Mayavaram-Poompuhar road and at about 22.30 hours, the offending vehicle which was a tractor and trailer which was coming in the opposite direction was driven in a rash and negligent manner. As a result of which, it dashed on the car and the said Vimala died due to the injuries sustained and Mr.Santhana Krishnan also sustained serious injuries. It is under these circumstances, these claim petitions came to be filed in MCOP Nos.2863 & 2864 of 2009.

4.During the pendency of the petition in MCOP No.2864 of 2009, Mr.Santhana Krishnan died and hence, his legal representatives were brought on record.

5.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 driver of the offending vehicle was responsible for causing the accident.

6.The Tribunal having rendered the above finding, fixed the total compensation in MCOP No.2863 of 2009 at Rs.4,55,500/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Financial Dependency to the family	2,20,500
Loss of Love and Affection	2,00,000
Funeral and Ritual Expenses	25,000
Loss of Estate	10,000
Total	4,55,500

7.Insofar as MCOP No.2864 of 2009 is concerned, the Tribunal fixed the compensation at Rs.9,94,667/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Compensation for Medical Expenses incurred	7,79,167
Compensation for Conveyance	3,000
Compensation for Nourishment	5,000
Loss of Financial Dependency to the family	1,57,500
Loss of Love and Affection	40,000



Funeral and Ritual Expenses	5,000
Loss of Estate	5,000
Total	9,94,667

8.The above compensation was directed to be paid by the Insurance Company along with the interest at the rate of 7.5% per annum.

9.Aggrieved by the common order was passed by the Tribunal, the Insurance Company has filed CMA Nos.2344 & 2345 of 2018, questioning their liability. CMA No.340 of 2017 has been filed by the claimants seeking for the enhancement of compensation insofar as MCOP No.2863 of 2009 is concerned.

10.Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents.

11.The main ground that was urged by the learned counsel appearing on behalf of the Insurance Company is that the owner of the vehicle who is the 1st respondent had not taken any policy for the trailer and the policy was taken only for the tractor and hence, there was a breach of policy condition by permitting the driver of the tractor to attach the trailer and use vehicle on



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the road. The learned counsel further submitted that there was some amount of negligence even on the part of the car driver which was not properly considered by the Tribunal. As an alternative submission, the learned counsel submitted that, even if this Court holds that the claimants are third parties and therefore, the Insurance Company is liable to pay the compensation, the principle of pay and recovery must be applied in this case, since there is a violation of the policy condition .

12.Insofar as the CMA No.340 of 2017 is concerned, the learned counsel appearing for the appellants in this appeal submitted that the compensation awarded by the Tribunal is on the lower side and it requires enhancement.

13.This Court has carefully considered the submissions made on either side and also the materials available on record.

14.In the case in hand, the Insurance policy covers only the tractor, whereas it was attached to the trailer and was used on the road at the time, when the accident took place. It must be borne in mind that the deceased/injured in this case are third parties and therefore, even if there is a



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violation of policy condition by the insured, the third party cannot be deprived of by compensation and the Insurance Company can always be permitted to recover the compensation from the owner of the vehicle. Thereby, the liability of the Insurance Company can be indemnified by applying the principle of pay and recovery.

15. Insofar as the enhancement of compensation sought for in CMA No.340 of 2017, this Court finds that the Tribunal has fixed the compensation under various heads and it is just and proper and it does not require the interference of this Court.

16. In the light of the above discussion, CMA Nos.2344 & 2345 of 2018 is partly allowed to the extent that the Insurance Company shall satisfy the compensation amount payable to the claimants and it can be recovered from the owner of the vehicle in view of the violation of policy condition. It is reported that the compensation amount has already been deposited by the Insurance Company. In such an event, the claimants shall be permitted to withdraw the compensation amount along with accrued interest. If the compensation amount has not been deposited or only a part of the amount has been deposited, the balance shall be deposited, within a period of four



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weeks from the date of receipt of copy of this order along with accrued interest. In such an event, the compensation amount can be withdrawn along with the accrued interest after such deposit by the claimants.

17.The Insurance Company will be entitled to recover the compensation amount along with the interest from the owner of the offending vehicle viz., the tractor. The appeal filed in CMA No.340 of 2017 is dismissed and the compensation amount fixed by the Tribunal is sustained. No Costs. Consequently, connected miscellaneous petitions are closed.

07.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

The Motor Accident Claims Tribunal, (Special Sub Judge-I), Chennai.



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N. ANAND VENKATESH., J

SSR

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