



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2262 of 2026

P. Shanmugam
S/o.A. Palaniswamy

Appellant(s)

Vs

1. S. Sowmiya
2. United India Insurance Co.Ltd.,
Motor Third Party Claims Hub, Silingi
Buildings, No.134, Greaves Road,
Chennai 6.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order of negligence and enhance compensation in Judgement and Decree dated 09.01.2024 made in MACT OP No.5935 of 2016 on the file of the III Judge, Motor Accidents Claims Tribunal, (Court of Small Causes), Chennai.

For Appellant(s): Ms.P.T. Saleem Fathima

For Respondent(s): Mrs.I. Malar for R2

JUDGMENT

This appeal has been filed against the award passed by the III Judge, Motor Accidents Claims Tribunal, (Court of Small Causes), Chennai, in



MACT OP No.5935 of 2016 dated 09.01.2024, wherein the claimant has questioned the rejection of the claim petition filed under Section 166 of the Motor Vehicle Act, 1988.

2.The case of the claimant is that on 08.12.2015, he was driving a Tempo traveller at Chennai Madurai National Highway and at about 08.15 hours while proceeding near the overbridge, another vehicle was driven in a rash and negligent manner and in order to avoid the vehicle, the claimant swerved the vehicle to the left side. As a result of which, the vehicle fell into the ditch and the claimant sustained grievous injuries. 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 rash and negligent driving on the part of the claimant. The Tribunal further held that if at all the claimant is claiming for any compensation, it has to be done only under the Workmen's Compensation Act and not by filing an application under Section 166 of Motor Vehicles Act. Accordingly, the claim came to be rejected. Aggrieved by the same, the present appeal has been filed before this Court.



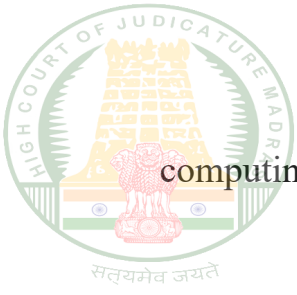
4. Heard the learned counsel for the appellant and the learned counsel for the 2nd respondent/Insurance Company.

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

6. In the considered view of this Court, the Tribunal has appreciated evidence and has reached a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the claimant. The claimant was working under the 1st respondent and if at all the claimant chooses to seek for compensation, it can be done under the Workmen's Compensation Act/Employees Compensation Act. The Tribunal has rightly made an observation that the claimant can seek for the remedy only under the relevant enactment. This finding of the Tribunal does not suffer from any perversity warranting the interference of this Court.

7. In the result, the award passed by the Tribunal in Motor Accidents Claims Tribunal, III Judge (Court of Small Causes), Chennai in MACTOP No.5935 of 2016 dated 09.01.2024, is hereby confirmed. Liberty is granted to the claimant to workout the remedy under the Workmen's Compensation Act/Employees Compensation Act. The time spent by the claimant in prosecuting the claim petition before the Tribunal shall be excluded while



computing the period of limitation in terms of Section 14 of the Limitation Act.

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8. In the result, this Civil Miscellaneous Appeal stands dismissed with the above liberty. No costs.

22-07-2026

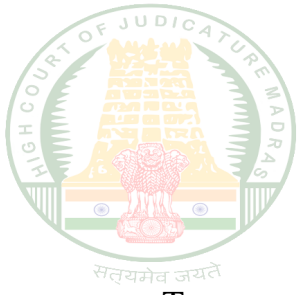
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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The Motor Accidents Claims Tribunal,
III Judge, (Court of Small Causes), Chennai.



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N.ANAND VENKATESH J.

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