



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.523 of 2024
and CMP No.5200 of 2024

M.Rajavel

..Appellant

.vs.

1.C.Shanmugam

2.The United Insurance Co., Ltd.,
Pondicherry.

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Award dated 31.08.2023 passed in MCOP.No.430 of 2019, on the file of the Special District Judge,(to deal with MCOP Cases), Erode.

For Appellant : Mr.G.Devi

For Respondents : Mr.Mr.R.Ananth for
Mr.V.V.Sathya for R1
Dr.C.Paranthaman for R2

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, Special District Judge, Erode in MCOP No.430 of 2019 dated 31.08.2023,



WEB COPY

wherein, the Tribunal had exonerated the Insurance Company from paying the compensation and had put the entire burden on the appellant/owner of the vehicle to pay the compensation to the 1st respondent, who is the claimant.

2.The case of the 1st respondent/claimant is that on 09.01.2015, he was riding a two wheeler at Perundurai Road and at about 10.30 a.m., the offending vehicle was driven by the appellant in a rash and negligent manner and as a result of which, it dashed against the two wheeler and the claimant was thrown away from the vehicle and he sustained grievous injuries. The claimant was diagnosed with comminuted fracture distal radius left side. For this injury, the claimant had undergone treatment of open reduction and internal fixation with plate and screws. 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 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 offending vehicle.

4.The Tribunal came to a conclusion that the driver of the offending vehicle did not possess a valid driving license and thereby, violated the terms



and conditions of the policy. Accordingly, the Insurance Company was exonerated from the liability of paying the compensation.

WEB COPY

5.The Tribunal thereafter proceeded to fix a total compensation of Rs.3,27,600/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
5% Temporary Disability	25,000
For partial Loss of Income	2,17,200
For Pain and Suffering	45,000
For Transportation Charges, Attender Charges and Extra Nourishment	10,000
Medical Expenses	30,400
Total	3,27,600

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

7.The owner of the offending vehicle aggrieved by the Tribunal exonerating the Insurance Company from paying the compensation, has filed the present appeal before this Court.

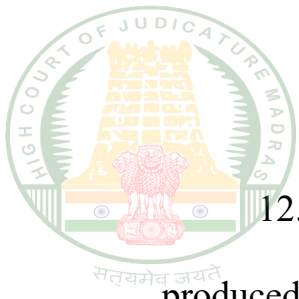


8.The appellant filed CMP No.5201 of 2024, to permit the appellant to mark the driving license issued to the appellant as a document.

9.The above petition came up for hearing on 23.06.2026, this Court found that only a photocopy of the driving license has been filed and hence, this Court directed the learned counsel for the appellant to produce the original driving license of the appellant.

10.When the matter was taken up for hearing today, the learned counsel for the appellant produced the original driving license of the appellant. It is seen that the driving license is valid up to 29.10.2020 for non-transport vehicle and up to 29.10.2018 for transport vehicle.

11.It is also seen that the Insurance Company did not take any steps before the Tribunal to establish that the appellant did not possess a valid driving license. It is true that the appellant did not contest the case before the Tribunal and was set ex-parte. However, whether the appellant possessed a valid driving license, is a matter to be established by the Insurance Company by calling the Regional Transport Officer as a witness. The same has not been done in this case.



WEB COPY

12. In the light of the fact that the original driving license has been produced before this Court, CMP No.5201 of 2024 stands allowed and the copy of the driving license is marked as EX.R4. The copy of the driving license was compared with the original driving license that was produced before this Court and it is found to be the same.

13. The additional evidence was entertained by this Court, since the only issue that arises for consideration is as to whether the appellant had a driving license at the time of the accident and it is now established that there was a valid driving license at the time of the accident that took place on 09.01.2015. As a consequence, the compensation amount will have to be paid by the Insurance Company, since the vehicle belonging to the appellant is covered under the insurance policy.

14. It is not necessary for this Court to go into the quantum of compensation fixed by the Tribunal and this Court finds that the same is just and fair.

15. In the light of the above discussion, the Award passed by the Tribunal in MCOP No.430 of 2019 dated 31.08.2023, by exonerating the Insurance Company from paying the compensation and putting the entire liability on the



appellant, is set aside. There shall be a direction to the 2nd respondent/Insurance Company to pay the entire compensation amount along with accrued interest by depositing the same, within a period of four weeks from the date of receipt of this judgment.

16.This Civil Miscellaneous Appeal is allowed in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

08.07.2026

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



To
WEB COPY

The Special District Judge,(to deal with MCOP Cases), Erode.



WEB COPY



N. ANAND VENKATESH., J

SSR

CMA No.523 of 2024

08.07.2026