



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2107 of 2026

1. Chandra
W/o Late Baskar,
Residing at No 1/87B,
Kudi Street,
Sivanayakkanpatti,
Palayapalayam Post, Sendamangalam Tk,
Namakkal Dt.
2. Minor Soundhar
s/o. Late Baskar,
Res. at No.1/87B,
Kudi Street,
Sivanayakkanapatti,
Palayapalayam Post,
Sendamangalam Taluk,
Namakkal.
Minor appellantRep by his mother Chandra
3. Minor Kowsik
s/o. Late Baskar,
Res. at No.1/87B,
Kudi Street,
Sivanayakkanapatti,
Palayapalayam Post,
Sendamangalam Taluk,
Namakkal. Minor appellant Rep by his mother
Chandra
4. Kailasam
W/o. Ganesan,
Res. at No.1/87B,
Kudi Street,
Sivanayakkanapatti,
Palayapalayam Post,
Sendamangalam Taluk,
Namakkal.



5. Ganesan
S/o. Palaniyandi,
Res. at No.1/87B,
Kudi Street,
Sivanayakkanapatti,
Palayapalayam Post,
Sendamangalam Taluk,
Namakkal.

..Appellant(s)

Vs

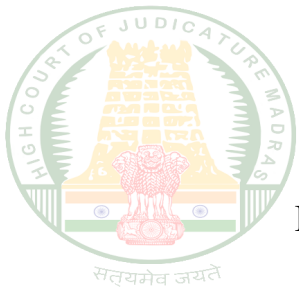
1. Baskar
S/o Natesan,
No 6/378K, East Street,
Bodinaickenpatti,
Sendamangalam Tk,
Namakkal Dt.
2. IFFCO TOKIO General Insurance Company
Limited
No.138/2,
Second Floor,
LMR Shopping Arcade,
Opposite MGM Theatre,
Namakkal.

..Respondent(s)

Civil Miscellaneous petition filed under Section 173 of the Motor Vehicles Act to allow the present appeal and enhance the compensation amount in judgment and decree dated 22.07.2025 in M.C.O.P.No.339/2024 on the file of the Motor Accidents Claims Tribunal Subordinate Court, Namakkal as prayed for in this Civil Miscellaneous Appeal with cost and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant(s):

Ms.D.Jeevitha
for M/s.R.Nalliyappan



For Respondent(s):

M/s.B.Sivakollapan For R2

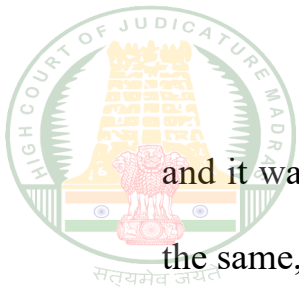
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Judgment

This Civil Miscellaneous Appeal has been filed by the claimants challenging the award passed by the Motor Accident Claims Tribunal, Subordinate Court, Namakkal in M.A.C.T.O.P No..339 of 2024 dated 22.07.2025 wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2. The case of the claimants is that on 04.09.2018, at about 6.30 p.m, when the deceased Baskar was riding a two wheeler at Alanganatham road. At that point of time, the offending vehicle which was also a two wheeler, was ridden in a rash and negligent manner and dashed against the two wheeler ridden by the deceased. As a result of which, the deceased was thrown out of the vehicle and he sustained grievous injuries and ultimately succumbed to the injuries on 10.09.2018. It is under these circumstances, the claim petition came to be filed by the claimants before the Tribunal seeking for compensation.

3. The 2nd respondent /insurance company filed a counter statement to the effect that it is deceased, who was the tortfeasor in this case and in fact, the FIR came to be registered only against the deceased in Crime No.209 of 2018



and it was closed as abated after the demise of the deceased Baskar. In view of the same, the insurance company sought for the dismissal of the claim petition.

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4. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to the conclusion that for the very same accident MCOP Nos.503 to 505 of 2024 had already been filed, which involved two cases of injury and one case of death. In those claim petitions, the Tribunal had categorically held that the deceased Baskar was the tortfeasor and the compensation was also ordered to be paid. While passing the award, the present claimants in this case were impleaded as respondents 3 to 6 in those claim petitions. Therefore, the Tribunal held that once a finding has been rendered by fixing the negligence and it has become final, the present claim petition filed for the very same accident cannot result in rendering a different finding and accordingly, the Tribunal rejected the claim petition. Aggrieved by the same, the present appeal has been filed before this Court.

5. The main ground that was urged by the learned counsel for the Appellant is that merely because an FIR came to be registered against the deceased Baskar that by itself will not result in fixing the negligence on the deceased Baskar and more particularly, when the criminal case had abated after the demise of Baskar and the investigation had not been completed. It is further



submitted that the Tribunal ought to have independently considered the evidence of PW2, who is the eye witness to the occurrence and hence, the rejection order passed by the Tribunal requires the interference of this Court.

6. Per contra, the learned counsel appearing on behalf of the 2nd respondent/insurance company submitted that in the earlier round of litigation arising out of the very same accident, negligence had already been fixed on the deceased Baskar and the award has become final and binding on the appellants and therefore, the appellants cannot maintain the present claim petition and seek a contrary view in respect of the very same accident. Accordingly, the learned counsel sought for the dismissal of this appeal.

7. In the considered view of this Court, MCOP Nos.503 to 505 of 2024 was filed in respect of the very same accident and the Tribunal gave a specific finding that the accident had occurred only due to the negligence of the deceased Baskar. Consequently, it was held that it is the Baskar, who was the tortfeasor. In those claim petitions, the appellants herein were impleaded as respondents 3 to 6. Therefore, the award binds the appellants also. If the appellants were aggrieved by the award passed by the Tribunal, they should have filed an appeal and work out their remedy. Having left the award to become final, the appellants cannot now maintain a separate claim petition for the very same accident and expect the Tribunal to come to a completely



different conclusion for the same accident. The Tribunal has rightly rejected the claim petition and the same does not warrant the interference of this Court.

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8. In the result, the Civil Miscellaneous Appeal stands dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

RKA

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