



C.M.A(MD)Nos.1117 and 1118 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.06.2026

Pronounced on : 25.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)Nos.1117 and 1118 of 2017
and
C.M.P.(MD)Nos.11366 and 11367 of 2017
and
C.M.P(MD)No.1749 of 2020

IFFCO-TOKIO General Insurance Company Ltd.,
82, Preetham Plaza,
1st Floor, Chandra Kandhi Nagar,
Ponmeni, Bypass Road,
Madurai – 625 010.

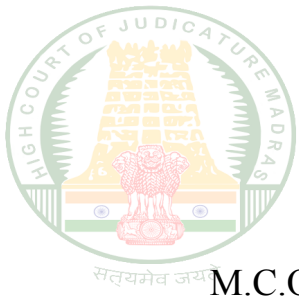
: Appellant
(in both appeals)

Vs.

1.Sridevi
2.Srividhya
3.SNM Ismail

: Respondents
(in both appeals)

COMMON PRAYER:- Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, against the award passed in



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M.C.O.P.Nos.1423 and 1424 of 2013, dated 26.09.2016, on the file of the Motor Accident Claims Tribunal/Special District Judge, Tiruchirappalli.

(in both appeals)

For Appellant : Mr.V.Sakthivel,

For Respondents : Mr.N.Sudhagar Nagaraj, for R1 and R2.

: No Appearance for R3.

COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the common order made in M.C.O.P.Nos.1423 and 1424 of 2013, dated 26.09.2016, on the file of the Motor Accident Claims Tribunal/Special District Judge, Tiruchirappalli.

2. The appellant/Insurer, who was mulcted liability to pay compensation of Rs.10,65,000/- and Rs.17,55,000/- respectively, with interest and costs to the respondents 1 and 2 /claimants for the death of their parents Kirupakaran and Padmini, consequent to an accident occurred on 16.05.2010, challenged the liability mulcted on it.



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3. The case of the claimants is that on 16.05.2010, at about 12.30 hours, the deceased Kirupakaran was driving his Maruthi swift Dzire car bearing Reg.No.KA-02-AE-4029, accompanied by his wife Padmini on Trichy to Thanjavur main road and at the place of near Pudukudi Kamatchipuram road, one Toyota innova car bearing Reg.No.TN-49-AD-786, which came in the opposite direction in a rash and negligent manner, dashed against the Dezire car and as a result of which, the said Kirupakaran and his wife Padmini had sustained serious injuries all over their body and died on the way to the hospital and that therefore, the accident was occurred only due to the rash and negligent driving of the innova car driver.

4. The defence of the second respondent insurer is that the deceased Kirupakaran drove the Maruthi swift Dzire car in a rash and negligent manner with hectic speed and dashed against the innova car and caused the accident and that therefore, the deceased Kirupakaran alone was responsible for the accident and the innova car driver was not at all fault.



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5. Admittedly, the claimants are the daughters of the deceased Kirupakaran and Padmini. In an attempt to prove the mode of accident, the claimants examined P.W.2 Thiru.A.Arumugam and he deposed about the manner in which the accident had occurred. P.W.2 in his evidence has stated that while he was walking on the Thanjavur-Trichy road near Pudukudi, one Maruthi car was coming on the left side of the road and at that time, one innova car which came in the opposite direction in a rash and negligent manner, dashed against the Maruthi car and that only due to the rash and negligent driving of the innova car driver, the accident had occurred.

6. Though P.W.2 was subjected to cross-examination, his evidence regarding the manner of the accident remains unshaken. It is pertinent to note that FIR came to be registered in Crime No.85 of 2010 on the file of the Sengipatty Police Station against the innova car driver.

7. No doubt, as rightly pointed out by the learned counsel for the appellant/insurer, after filing of charge sheet, the criminal case subsequently ended in acquittal.



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8. As rightly contended by the learned counsel for the claimants, the police records or the opinion of investigating officer recorded in the final report or even the judgment of the criminal Court are not binding on the Tribunal and the Tribunal is duty bound to consider the evidence placed before it and decide who are responsible for the accident.

9. Though the appellant/insurer has alleged that the innova car driver was not responsible for the accident and the deceased Kirupakaran alone was at fault, they have not chosen to examine the innova car driver or any other person, who allegedly witnessed the occurrence. As rightly contended by the learned counsel for the claimants, there is absolutely no contra evidence with regard to the negligence aspect.

10. Considering the evidence available on record, the Tribunal has rightly come to the conclusion that the accident occurred only due to the rash and negligent driving of the innova car driver, consequently, mulcted liability on the appellant/insurer and that the said finding cannot be found fault with.

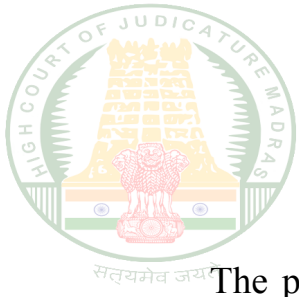


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11. The appellant has not challenged the quantum of compensation specifically. Moreover, they have not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that these Civil Miscellaneous Appeals are devoid of merits and the same are liable to be dismissed.

13. In the result, the Civil Miscellaneous Appeals are dismissed and award dated 26.09.2016 passed in M.C.O.P.Nos.1423 and 1424 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Judge, Tiruchirappalli, are confirmed. The appellant/Insurance Company is directed to deposit the entire award amount with interest at 7.5% per annum from the date of petition till the date of realization to the credit of M.C.O.P.Nos.1423 and 1424 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Judge, Tiruchirappalli, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment and on such deposit, the claimants are permitted to withdraw the award amount with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal.



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The parties are directed to bear their own costs. Consequently, connected Miscellaneous Petitions are closed.

25.06.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No
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To

1.Motor Accident Claims Tribunal/Special District Judge,
Tiruchirappalli.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
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