



C.M.A(MD)No.319 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**C.M.A(MD)No.319 of 2024
and C.M.P(MD)Nos.4384 of 2024 & 871 of 2026**

The Branch Manager,
United India Insurance Company Limited,
L.I.C Divisional Office Building,
Jeevan Prakash, Ground Floor,
No.39, Gandhiji Road,
Thanjavur – 613 001. ... Appellant/2nd Respondent

-VS-

1.Sripriya
2.Minor Mahashree
3.Minor Anumitha
4.Minor Sabari
5.Chinnaiya
6.Sundarambal ... Respondents 1 to 6/Claimants
7.Selvaraj ... 7th Respondent/1st Respondent

(Minor respondents 2 to 4 are represented through
the first respondent/mother)

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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to set aside the Judgment and Decree dated 21.03.2023 passed in M.C.O.P.No.800 of 2018 on the file of the Motor Accidents Claims Tribunal (Additional District Court), Pudukottai.

For Appellant : Mr.I.Robert Chandrakumar

For RR 1 to 6 : Mr.N.Kamesh

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This Civil Miscellaneous Appeal has been filed as against the Judgment and Decree passed in M.C.O.P.No.800 of 2018, dated 21.03.2023, on the file of the Motor Accidents Claims Tribunal (Additional District Court), Pudukottai.

2.The respondents 1 to 6 are the claimants and filed a claim petition seeking compensation of Rs.20,00,000/- due to the demise of the husband of the first claimant in an accident. The deceased, in



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order to purchase paddy straw for their cattle, hired a Tata Ace vehicle bearing Registration No.TN-55-AJ-8974 on 07.02.2018 from a person at Aadhanakottai, Kalloorani, Orathanadu Taluk, Thanjavur District. The vehicle was parked in the shore of Kalloorani pond to load the paddy straw at about 10.00 a.m. P.W.1, who is the first claimant, assisted in loading the paddy straw and the deceased loaded the paddy straw into the vehicle. While being so, the vehicle's insurer suddenly moved the vehicle as if the entire paddy straw had been loaded and no one was in the vehicle. As a result, the deceased lost his balance and fell down from the vehicle, sustaining grievous injuries. He was immediately taken to the hospital and treated as an inpatient in the Thanjavur Medical College Hospital from 07.02.2018 to 15.03.2018. Thereafter, for higher treatment, he was admitted as an inpatient at N.B.H Hospital, Thanjavur from 15.03.2018 to 20.03.2018. He was then admitted in Pondicherry Jipmer Hospital on 21.03.2018. However due to the injuries sustained by him, he died on 05.05.2018 at about 12.20 p.m.



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3.In order to prove the claim, the claimants examined P.W.1 and marked Exs.P1 to P13. On the side of the appellant and 7th respondent, the 7th respondent himself was examined as D.W.1, who is the insurer of the vehicle and no documents were marked.

4.On perusal of the oral and documentary evidence, the Tribunal allowed the claim petition and awarded compensation to the tune of Rs.27,91,800/-. Aggrieved by the same, the present appeal has been preferred by the Insurance Company.

5.The learned counsel appearing for the appellant submitted that after the alleged occurrence, the complaint was lodged three months later and the FIR was registered only on 05.05.2018. There was no valid reason for the delay in lodging the complaint. Furthermore, PW.1 lodged a complaint alleging that when the vehicle was parked to load the paddy straw, the driver was



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not present and the engine was switched off. According to P.W.1, due to the heavy sunlight, the deceased fainted and fell down from the vehicle, sustaining injuries. After the demise of the deceased, on 05.05.2018 in order to claim compensation from the appellant, P.W.1 deposed before the Court that the driver of the appellant's vehicle suddenly moved the vehicle without noticing that the deceased was loading paddy straw. Without considering the same, the Tribunal awarded compensation as if the deceased had met with an accident due to the negligence of the driver of the vehicle which was insured with the appellant.

6.Per contra, the learned counsel appearing for the respondents 1 to 6 submitted that in a motor accident case, the delay in lodgment of the complaint is not of significant importance. The deceased went into a coma immediately after the occurrence and as such P.W.1 did not lodge any complaint. Only after his demise, the complaint was lodged and registered as Crime No.135 of 2018.

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Immediately after the occurrence, the deceased was taken to the Thanjavur Medical College Hospital, where he was treated as an inpatient from 07.02.2018 to 15.03.2018. He was then shifted for higher treatment to N.B.H Hospital, Thanjavur, from 15.03.2018 to 20.03.2018 and later to Pondicherry Jipmer Hospital on 21.03.2018. Unfortunately, he succumbed to the injuries on 05.05.2018 at about 12.20 p.m. PW.1, who is an eyewitness to the accident, categorically deposed about the accident. Therefore, the claimants have proved their case and the Tribunal rightly awarded compensation and it does not warrant any interference of this Court.

7.Heard the learned counsel appearing on either side and perused the materials available on record.

8.On perusal of the records reveals that the alleged occurrence took place on 07.02.2018 when the vehicle was parked for loading paddy straw at Aathanakottai, Kalloorani. Normally in



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villages, to load paddy straw, the vehicle will be parked with the engine switched off. After loading the material, it will be started. Accordingly, the vehicle was parked and the deceased and P.W.1 were loading the paddy straw. While loading, the deceased fainted due to the heavy sunlight and fell down from the vehicle. He was immediately taken to the hospital. Three months after the accident, the complaint was lodged and the FIR was registered in Crime No. 135 of 2018 on 05.05.2018. The relevant portion of Crime No.135 of 2018 is extracted hereunder:

வருகிறேன். இந்த நிலையில் “கடந்த 07.02.18-ந் தேதி எங்க வீட்டுக்கு தேவையாக இருந்த வைக்கோலை வாங்குவதற்காக வேண்டி நானும் எனது கணவரும் சேர்ந்து கறம்பக்குடியில் இருந்து TATA ACE அதன் பதிவு எண் தற்சமயம் எனக்கு தெரியாது. அதில் ஓரத்தநாடு தாலுக்கா ஆதனக்கோட்டை கிராமம் வந்து அங்குள்ள கல்லூரினி குளக்கரையில் வைத்து ஊர்காரர் ஒருவரிடம் காலை சுமார் 10.00 மணிக்கு பெற்று அதனை நாங்கள் வந்த TATA ACE



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(PTO) வண்டியில் என் கணவர் வண்டியின் மேற்புறம் வைக்கோலை வாங்கி அடிக்கிக்கொண்டிருந்தார். நான் தரையில் இருந்து வைக்கோலை எடுத்து தூக்கி கொடுத்துக்கொண்டிருந்தேன். அதன் பிறகு வைக்கோலை ஏற்றிய பிறகு அதனை கயிற்றால் வண்டியின் மேற்புறமாக நின்று இறுக்கி கட்டிக்கொண்டிருந்தபோது மயக்கம் ஏற்பட்டு நிலை தடுமாறி TATA ACE வண்டியில் இருந்து தவறி கீழே விழுந்துவிட்டார். இதைப் பார்த்த நான் ஓடிக்கோய் தூக்கி பார்க்கும்போது மயங்கிய நிலையில் இருந்தவரை உடனடியாக 108 ஆம்புலன்ஸ் வண்டிக்கு தகவல் கொடுத்து அதன் மூலம் அழைத்து சென்று தஞ்சை TMCH-ல் காண்பித்து அட்மிட் செய்தேன். அதன் பின்னர் ஒருமாதம் கழித்து அங்கிருந்து மேல் சிகிச்சைக்கு புதுச்சேரி ஜிப்மர் மருத்துவமனையில் 21.03.2018-ந் தேர் அனுமதிக்கப்பட்டு சிகிச்சை பெற்று வந்தவர் இன்று 05.05.2018-ந் தேதி மதியம் 12.20 மணிக்கு சிகிச்சை பலனின்றி எனது கணவர் இறந்துவிட்டார். எனவே தாங்கள் விசாரித்து மேல் நடவடிக்கை எடுக்கும்படி தாழ்மையுடன் கேட்டுக்கொள்கிறேன்.”

9.From the records, it is clear that the vehicle was parked with the engine switched off while the deceased was loading the



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paddy straw. The deceased fainted and fell down from the vehicle, sustaining injuries. Thereafter, in order to claim compensation, P.W.1's statement was recorded as if that the driver of the insured vehicle had suddenly moved the vehicle, causing the deceased to fall and sustain injuries. P.W.1 also deposed in the same manner before the Tribunal to support the claim petition. However, the Tribunal concluded that PW.1, being an illiterate woman, had been concentrated on her husband's treatment. Therefore based on wrong information, the F.I.R was registered and without knowing the contents of the complaint, she signed it.

10.If at all the deceased had fallen from the vehicle while it was moving, an F.I.R would have been registered immediately against the driver of the vehicle. However, the F.I.R was registered only after the demise of the deceased and that too after a delay of three months. This indicates that the claim is an afterthought, intended to claim compensation from the appellant, the insurer of the



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vehicle. Therefore the claimants failed to prove the occurrence of the accident itself and there was no negligence on the part of the driver of the vehicle, namely the 7th respondent herein. In fact, the F.I.R was subsequently referred to as a mistake of fact. Hence, the claimants failed to prove any negligence on the part of the 7th respondent and failed to prove the accident.

11.The 7th respondent had deposed as RW.1. He categorically deposed that he owned the vehicle and that it was hired by the deceased to bring paddy straw for their cattle. While being so, on 07.02.2018, he went to the place where the paddy straw was purchased and parked the vehicle. After parking the vehicle, while he was taking rest some distance away from the vehicle, he heard an alarm that the deceased had fallen down from the vehicle while tying the paddy straw with thread. Therefore, it is clear that the deceased himself fell down from the vehicle and sustained injuries. Thereafter he died in the hospital.



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12.In view of the above, the entire claim petition filed by the legal heirs of the deceased is liable to be dismissed. Accordingly, this Civil Miscellaneous Appeal is allowed and the Judgment and Decree passed in M.C.O.P.No.800 of 2018, dated 21.03.2023, on the file of the Motor Accidents Claims Tribunal (Additional District Court), Pudukottai, is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[G.K.I.J.] & [R.P.J.,]
30.01.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps

To

1.The Motor Accident Claims Tribunal
Sub Court,
Uthamapalayam,
Theni District.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

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G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

ps

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