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C.M.A.No.3228 of 2014

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 30.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.3228 of 2014
and C.M.P.No.2965 of 2022
and M.P.No.1 of 2014

United India Insurance Company Limited,
Branch Office – II, D.O.II,
104-A, Peramanaur Main Road,
Peramanaur,
Salem – 636 007.

...Respondent/Appellant

Vs.

1.Rameshkumar

...Petitioner/1st Respondent

2.G.K.Narayanan

...1st Respondent/2nd Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 30.09.2013 in M.C.O.P.No.419 of 2009 on the file of the learned II Additional District Judge, Motor Accidents Claims Tribunal, Salem.

For Appellant : Ms.R.Sree Vidhya

For Respondents : Mr.R.Marudhachalamurthy for R1

R2 – Served – No appearance



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JUDGMENT

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2.Heard the learned counsels appearing on either side and perused the papers.

3.The narration of the accident would prove the above contention. It is stated by the petitioner that on 21.08.2008, when he was riding his motor cycle bearing Registration No.TN 30AA 1220 on the Fort main road to Shevapet, a pedestrian has suddenly crossed the road and in order to avoid hitting the pedestrian the claimant had applied a sudden brake, as a result of which, the petitioner has fallen on the road and sustained grievous injuries. It is therefore clear that the accident had occurred only on account of the



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negligence of the petitioners himself. That being the case, he cannot seek to be compensated being the tortfeasor himself and the Tribunal below has committed an error in awarding compensation of a sum of Rs.5,59,000/- together with interest.

4. Therefore, applying the ratio of the Judgment of the Hon'ble Supreme Court reported as **Ramkhaladi and another v. The United India Insurance Company and another [2020 (2) SCC 550]**, the petitioner is not entitled to compensation under Section 163A of the Motor Vehicles Act. The Award of the Tribunal is set aside.

In the result, this Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.09.2022

Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
mps
To

The II Additional District Judge,
Motor Accidents Claims Tribunal,
Salem.

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P.T. ASHA, J,

mps

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