



WEB COPY



C.M.A.Nos.2144, 2145 & 2146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.Nos.2144, 2145 & 2146 of 2024

and

C.M.P.Nos.16564, 16566 & 16570 of 2024

N.Suresh (since died)

1. Chitra

2. Minor Magesh Madhavan

3. Minor Keerthana

... Appellants in all

CMAs

(2nd and 3rd minors are represented by their
mother Chitra as natural guardian and next friend)

vs.

S.Senthilkumar
2024

... 1st respondent in CMA.No.2144 of

S.Chithrakala
2024

... 1st respondent in CMA.No.2145 of

P.M.G.Ambika
2024

... 1st respondent in CMA.No.2146 of

Reliance General Insurance
Company Limited,
Plot No.2054, 2nd Floor
Rai's Tower,
2nd Avenue, Anna Nagar,
Chennai 600 040.

... 2nd Respondents in all CMAs.

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section
173 of the Motor Vehicles Act, 1988, against the decree and judgment,



C.M.A.Nos.2144, 2145 & 2146 of 2024

dated 24.01.2024 in M.C.O.P.No.2436 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Judge No.2, Court of Small Causes, Chennai.

For Appellant : Mr.F.Terry Chella Raja

COMMON JUDGMENT

The present appeals are filed, seeking to set aside the orders of the Tribunal fastening negligence on the part of the I appellant in M.C.O.P.No.2436/2018, M.C.O.P.No.2435/2018 and M.C.O.P.No. 2437/2018.

2. The claimants in the above mentioned three petitions filed their respective petitions under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.20,00,000/-, Rs.4,00,000/- and Rs.40,00,000/- respectively for the injuries sustained by them in a road accident which happened on 04.10.2017.

3. The brief case of the respondents/claimants is as follows :

On 04.10.2019 at about 04.30 a.m., the Respondents / claimants and their family members were travelling in a Tavera car bearing Registration No.TN 22 DB 6807 on Chennai - Trichy State highways.



When they were nearing Asanoor, the driver of the car (I appellant herein) drove the vehicle rashly and negligently and hit a lorry bearing Registration number TN 27 P 7537, as a result of which, the claimants and their family members sustained grievous injuries. The Tribunal held that the driver of Tavera car was responsible for the accident and directed the insurer, Reliance General Insurance Company limited to pay compensation of Rs.1,96,000/, Rs.50,000/- and Rs.2,94,000/- to the claimants in M.C.O.P.No.2436/2018, M.C.O.P.No.2435/2018 and M.C.O.P.No.2437/ 2018 respectively for the injuries sustained by them in the said accident.

4. The learned counsel for the appellants contended that the legal heirs of the first appellant filed a claim petition in M.C.O.P.No.1619 of 2018 as against another vehicle and its insurer. According to the counsel, since in M.C.O.P.No.2436/2018, M.C.O.P.No.2435/2018 and M.C.O.P.No.2437/ 2018, the negligence is fixed on the part of the first appellant (deceased), the claim petition filed by the legal heirs of the 1st appellant (deceased) in M.C.O.P.No.1619/2018 might get dismissed. It is also his contention that three vehicles were involved in the accident and



C.M.A.Nos.2144, 2145 & 2146 of 2024

therefore, the negligence fastened on the first appellant (deceased), is erroneous.

5. The petition in M.C.O.P.No.1619 of 2018 is filed under Section 166 of Motor Vehicles Act against some other vehicle and its insurer. In such circumstances, the claimants have to prove negligence on the part of the alleged third vehicle independently and there is no reason for this Court to set aside the entire proceedings and the Award passed in M.C.O.P.No.2436/2018, M.C.O.P.No.2435/2018 and M.C.O.P.No. 2437/2018. Accordingly, the Civil Miscellaneous Appeals are dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral citation : Yes / No
vum



C.M.A.Nos.2144, 2145 & 2146 of 2024

WEB COPY

To

1. The Motor Accident Claims Tribunal,
Special Sub Judge No.2, Court of Small Causes,
Chennai.
2. The Reliance General Insurance Company Limited,
Plot No.2054, 2nd Floor Rai's Tower,
2nd Avenue, Anna Nagar,
Chennai 600 040.
3. The Section Officer, VR Section,
Madras High Court, Chennai.



WEB COPY



C.M.A.Nos.2144, 2145 & 2146 of 2024

R.HEMALATHA, J.

vum

**C.M.A.Nos.2144, 2145 & 2146 of 2024 and
C.M.P.Nos.16564, 16566 & 16570 of 2024**



WEB COPY



C.M.A.Nos.2144, 2145 & 2146 of 2024

08.08.2024