



WEB COPY



CMA.No.2147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2147 of 2024 and
C.M.P.No.16587 of 2024

The Divisional Manager,
United India Insurance Company Limited,
D.No.1171, Muthaiya complex,
Mettur Road, Erode - 638 011.

... Appellant

vs.

1. Geetha
2. Nanthini
3. Vinothkumar
4. Madhammal
5. R.Elango

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment, dated 05.01.2024 in M.C.O.P.No.977 of 2019 on the file of the Exclusive Motor Accidents claims Tribunal, Dharmapuri.

For Appellant : Mrs.R.Rathna Thara

J U D G M E N T

The present appeal is filed by the United India Insurance Company Limited as against the orders passed by the Motor Accidents Claims Tribunal, Dharmapuri in M.C.O.P.No.977 of 2019 on 05.01.2024.



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2. The brief case of the claimants is as follows:

On 15.06.2019, Mathialagan (deceased) was riding his motorcycle bearing Registration number TN-29-BJ-2895 on Krishnagiri-Salem National Highways and when he was nearing Mattukaranur cross road, at about 2.30 p.m., a speeding Car bearing Registration number TN38-AV-3600 belonging to the 5th respondent, hit the motorcycle, as a result of which, Mathialagan fell down and sustained injuries. He was immediately rushed to hospital but died on the way.

3. Heard Mrs.R.Rathna Thara, learned counsel for the appellant.

4. The main contention of the learned counsel for the appellant / Insurance Company is that Mathialagan (deceased), was rash and negligent in driving his vehicle and invited the accident.

5. A perusal of the records shows that the claimants filed a petition under Section 166 of the Motor Vehicles Act, in M.C.O.P.No.977 of 2019 before the Motor Accidents claims Tribunal, Dharmapuri and in order to prove the negligence on the part of the driver of the car bearing Registration number TN 38-AV-3600, the claimants filed a copy of the



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FIR (Ex.P1) and also examined one Mathiyazhagan (P.W.2) who is an eyewitness to the occurrence. FIR (Ex.P1) was registered against the driver of the car bearing Registration number TN38-AV-3600 for the offences punishable under Sections 279 and 304-A I.P.C. The accident took place on Krishnagiri - Salem National highways and P.W.2 in his evidence has deposed that the driver of the Car was rash and negligent in driving the vehicle. The trial Court after taking into consideration the evidence of P.W.2 and the manner of accident, had rightly concluded that the driver of the car was rash and negligent in driving his vehicle.

6. In the circumstances, I do not see any reason to interfere with the orders passed by the Tribunal fastening negligence on the part of the driver of the car. Therefore, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2024

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

R.HEMALATHA, J.

vum



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To

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1. The Motor Accident Claims Tribunal,
Dharmapuri
2. The Divisional Manager,
United India Insurance Company Limited,
D.No.1171, Muthaiya complex,
Mettur Road, Erode - 638 011.
3. The Section Officer, VR Section,
Madras High Court, Chennai.

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