



C.M.A.No.4622 of 2019

M.DHANDAPANI, J.

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This matter is listed under the caption “For Being Mentioned” at the instance of the Court.

2. It is brought to the notice of this Court that though the minors in C.M.A.No.4624 of 2019 have been declared as major, however the minors in C.M.A.No.4622 of 2019 were not declared as major. Further, in paragraph No.8 of the judgment, inadvertently a typographical error has crept in wherein it is recorded that “*the appellant is directed to recover 25% compensation amount from the 3rd respondent as ordered by the Tribunal*”, which requires to be modified.

3. After perusing the judgement made in C.M.A.No.4622 of 2019 dated 10.12.2024, this Court is satisfied and accordingly, paragraph No.7.1 is added and paragraph No.8 stands substituted with the following paragraph :-

“7.1. When the claim petition was filed in the year 2016, the respondents 2 to 4/respondents 3 to 5 were aged about 17, 15 and 11 years. Now, they should be aged about 26, 24 and 20 years and are



therefore, major. Though no application has been taken out to declare them as major, this Court suo motu takes into account the age given in the claim petition and also taking into account the efflux of time, declares the respondents 2 to 4/respondents 3 to 5 as major and discharges their mother Sangeethamala from the guardianship. The Registry shall carry out the necessary amendments.

8. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the impugned award passed by the Motor Accident Claims Tribunal (Special Sub Judge), Tiruvannamalai in M.C.O.P.No.26 of 2016, dated 03.12.2016. The Appellant-Insurance Company is directed to deposit the award amount to the credit of M.C.O.P.No.26 of 2016 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of four (4) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the same directly to bank account of the 1st respondent/claimant, through RTGS within a period of two (2) weeks thereafter. Further, the appellant is at liberty to recover 25% compensation amount from the 6th respondent as



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ordered by the Tribunal. No costs. Consequently, the connected civil miscellaneous petition is closed”

4. Registry is directed to carry out the necessary correction as aforesaid in the judgment dated 10.12.2024 made in C.M.A.No.4622 of 2019 and also in the cause title and issue fresh copy of the order to the parties.

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18.07.2025
(2/2)



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M.DHANDAPANI, J.

sp

C.M.A.No.4622 of 2019

18.07.2025
(2/2)



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.4622 of 2019

and

C.M.P.No.26180 of 2019

United India Insurance Company Ltd.,
represented by its Divisional Manager,
Katpadi Road, Vellore.

... Appellant

Vs.

1.K.Raji @ Raja

2.Sangeethamala

3.Minor. Priya

4.Minor. Abitha

5.Minor. Muralidharan

(Minors represented by their NF/Mother Sangeethamala)

6.Royal Sundaram Alliance Insurance Company Limited,
Represented by its Branch Manager,
situated at No.5, R.J.Plaza, Katpadi Main Road,
Virudampet, Vellore – 632 006.

Easter (Died)

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 03.12.2016 made in M.C.O.P.No.26 of 2016 on the file of the Motor Accidents Claims Tribunal (Special Sub Judge), Tiruvannamalai.



For Appellant : Mr.D.Bhaskaran

For Respondents : Ms.A.Deepthi [R1 to R5]

Mr.G.Vasudevan [R6]

JUDGMENT

The Insurance Company has filed the above appeal challenging the award passed by the Motor Accidents Claims Tribunal (Special Sub Judge), Tiruvannamalai in M.C.O.P.No.26 of 2016, dated 03.12.2016, whereby, the Tribunal has fastened the liability on the appellant to pay the compensation to the 1st respondent/claimant, who is the victim in the accident occurred on 21.07.2011.

2. On 21.07.2011 at about 9.00 p.m., the claimant travelled as owner of the goods in the Eicher van bearing Regn.No.TN-25-H-3060 from Kilpennathur Village to Chennai. When the said van proceeding near Maduravayal Bye-pass near Tambaram, a van bearing Regn.No.TN-74-A-4074 was parked in the middle of the road without any display or signal. Due to this, the driver of Eicher van, namely Chandran had dashed against the stationed van, thereby, the claimant sustained injuries on his right knee and ankle. Therefore, the claimant had filed a claim petition before the Tribunal in M.C.O.P.No.26 of 2016 claiming a sum of



Rs.6,00,000/- as compensation for the injuries sustained by him in the road accident.

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3. Before the Tribunal, the claimant examined two witnesses P.W.1 and P.W.2 and marked 9 documents viz., Ex.P.1 to Ex.P.9. On the side of the Insurance Company, they have examined 4 witnesses viz., R.W.1 to R.W.4 and marked 6 documents viz., Ex.R.1 to Ex.R.6. After adjudication, the Tribunal had partly allowed the petition and awarded a sum of Rs.1,43,000/- as compensation, directing the appellant/insurance company to pay the entire compensation and thereafter, recover 25% of the compensation from Royal Sundaram Alliance Insurance Company Limited/6th respondent herein. Challenging the liability fastened against the appellant, the present appeal has been filed.

4. Learned counsel appearing for the appellant/insurance company submitted that, the compensation awarded by the Tribunal under various heads is highly excessive and the same needs to be reduced. Moreover, the 1st respondent/claimant was an unauthorized in the Eicher van, and therefore, the Tribunal erred in awarding compensation to such an unauthorized person. The Tribunal ought to have fastened the entire



liability on the insurer of the stationary vehicle, which requires to be reconsidered by this court. Accordingly, he prays for allowing this appeal.

5. Per contra, learned counsel appearing for the 6th respondent submitted that, by considering all the materials available on record, the Tribunal has rightly awarded just and reasonable compensation in favour of the 1st respondent/claimant, which cannot be interfered with. Accordingly, he prays for dismissal of the appeal.

6. Heard the learned counsel for the parties and also perused the materials available on record.

7. The arguments of the learned counsel appearing for the appellant submitted that, the claimant was only an unauthorized passenger in the vehicle, and therefore, they are not liable to pay any compensation for the injuries sustained in the accident. The Tribunal has dealt with this issue in detail and the Tribunal has relied on the evidence of R.W.3, who is the official of RTO, Tiruvannamalai, who deposed that the vehicle could accommodate three passengers and could also



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accommodate three other coolies. The claimant is the owner of the goods, namely the vegetables, which was transported in the Eicher van, which met with an accident and he cannot be termed to be an unauthorized passenger. Therefore, the Tribunal is correct in awarding compensation in favour of the claimant. Though the claimant has sought for a compensation of Rs.6,00,000/-, the Tribunal has awarded only Rs.1,43,000/-. Moreover, the Tribunal has directed the appellant to recover 25% compensation from the 6th respondent/Royal Alliance Sundaram Insurance Company Ltd. Therefore, this Court does not find any infirmity or illegality in the award passed by the Tribunal, and hence, this appeal is liable to be dismissed.

8. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the impugned award passed by the Motor Accident Claims Tribunal (Special Sub Judge), Tiruvannamalai in M.C.O.P.No.26 of 2016, dated 03.12.2016. The Appellant-Insurance Company is directed to deposit the award amount to the credit of M.C.O.P.No.26 of 2016 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of four (4) weeks from



the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the same directly to bank account of the 1st respondent/claimant, through RTGS within a period of two (2) weeks thereafter. Further, the appellant is at liberty to recover 25% compensation amount from the 3rd respondent as ordered by the Tribunal. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.12.2024
(2/3)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

The Motor Accidents Claims Tribunal (Special Sub Judge),
Tiruvannamalai.



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M.DHANDAPANI, J.,

sp

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