



WEB COPY

CMA No. 1469 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1469 of 2025

AND

CMP NO. 12731 OF 2025

1. Cholamandalam MS General
Insurance Co Ltd.
Salem Main TP Claim Hub, No.9, 1st
Floor, Rajaji Road, Peramanur, Salem
7.

Appellant(s)

Vs

1. P. Suresh
S/o. Ponnusamy, Nonanganur Village,
Kalipettai Road, Pappireddipatty Taluk,
Dharmapuri Dt.

2.A. Nandhakumar
S/o. Anbazhagan, No.2/121,
Varandagacoundanur, Kalipettai,
Pattukonampeteti, Pappireddipatty
Taluk, Dharmapuri 636 905.

Respondent(s)

CMA No. 1469 of 2025



PRAYER

To against the Judgement and Decree dated 30.09.2024 made in MCOP No.729 of 2023 on the file of MACT (Special Sub Court No.1 to deal with MCOP Cases, Salem.

CMA No. 1469 of 2025

For Appellant(s): R. Sree Vidhya

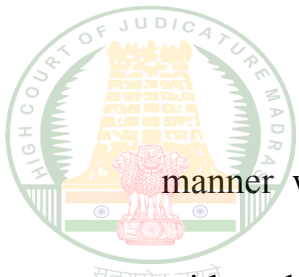
For Respondent(s):

JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the Judgement and Decree dated 30.09.2024 made in MCOP No.729 of 2023 on the file of MACT (Special Sub Court No.1 to deal with MCOP Cases, Salem.

2. The brief facts of the case:

on 25.01.2023 the injured claimant after completing his work to go to home riding the two wheeler bearing registration No. TN 29 BS 4208 along with his friend in the extreme left side of the Harur to Salem main road, following with all traffic rules and regulations in a careful manner. At about 19.00 hrs, when he was proceeding near Nonanganur Piruvu Road, at that time a TVS APACHE motorcycle bearing registration No. TN 29 CV 8232 was came from opposite direction which was driven by its rider in a rash and negligent



manner without minding any traffic rules and regulations with high speed,
without blowing horn. All of a sudden the motorcyclist hit against the claimant's

WEB COPY

two wheeler and caused the accident

Due to the accident the petitioner sustained multiple injury. Thereafter, the claimant file the petition before the tribunal claiming compensation. The respondent insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a compensation of Rs.5,44,642/- as compensation. Challenging the quantum of compensation, the tribunal filed this appeal.

3. The learned counsel for the appellant submits that as per FIR and final report the accident was occurred due to the fault of the claimant but the tribunal has erroneously fixed 50% liability on the appellant. Further, he submits that claimant riding his motorcycle without any valid driving license and also owner cum rider of the Honda motorcycle has not possessed valid driving license hence he breached the Motor Vehicles Act and policy of insurance. But without considering the above facts, the tribunal has fixed the liability on the Insurance Company instead of fixing the liability on the owner of the vehicle. Hence, the



insurance company is not liable to pay the compensation. He prays to allow this appeal.

WEB COPY

4. On perusal of the records, the insurance company has raised the same defence before the tribunal. It is settled position by the Honourable Apex Court that the LLR license is also a valid licence issued under the Motor Vehicle Act, to that effect the tribunal has rightly relied the judgement of the Court in the case of The Branch Manager Vs. Manjula and others on 22 February 2019. Therefore, the tribunal has rightly fixed the liability on the Insurance Company hence the defence taken by the appellant is not sustainable. This Court does not find any reason to interfere with the findings of the tribunal, the judgement and decree passed by the tribunal is confirmed. Accordingly, this appeal is dismissed as no merits. No Costs. Pending petition(s), if any, is/are closed.

11-06-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1469 of 2025

WEB COPY

To

1.P. Suresh

S/o. Ponnusamy, Nonanganur Village,
Kalipettai Road, Pappireddipatty Taluk,
Dharmapuri Dt.

2.A. Nandhakumar

S/o. Anbazhagan, No.2/121,
Varandagacoundanur, Kalipettai,
Pattukonampeteti, Pappireddipatty
Taluk, Dharmapuri 636 905.

3. The Section officer, V.R Section,
High Court, Madras.

4. The MACT (Special Sub Court No.1
to deal with MCOP Cases, Salem.



WEB COPY

CMA No. 1469 of 2025



T.V.THAMILSELVI J.
pbl

**CMA No. 1469 of 2025
AND CMP NO. 12731
OF 2025**

11-06-2025