



C.M.A.No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.39 of 2025

M/s.Hindustan Coca Cola Beverages,
Thriuvalluvar High Road, Madurai,
Nemam Village, Poonamalle,
Thiruvallur – 602 107.

...Appellant

Vs.

1.M.Nagaraj
2.N.Balasubramani
3.M/s.Reliance General Insurance Company Limited,
IInd Floor, Shri Abirami Towers,
43B, Gowly Brown Road,R.S.Puram, Coimbatore – 641 018.

...Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.1085 of 2018, award 12.07.2023, on the file of the Motor Accident Claims Tribunal cum Special Subordinate Court at Coimbatore.

For Appellant	:	Mr.G.Balasubramanian
For Respondent	:	R1 – Insufficient Address
		R2 – Left
		Mr.P.Suresh Srinivasan for R3



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Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the appellant and the 3rd respondent.

2. The learned counsel for both side would submit that in paragraph Nos.11, a typographical error has been crept in the operative portion of the Judgment dated 01.08.2025 made in C.M.A. No.39 of 2025, wherein it has been mentioned as the Appellant instead of the petitioner.

3. In view of the above, the Registry is directed to modify the order as per the details given below:

“11.The third respondent Insurance Company is directed to deposit the award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent. On such deposit being made, the petitioner is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.”



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4. Registry is directed to modify in terms of the above and issue fresh order copy to the parties forthwith.

5. In other respects, the order dated 01.08.2025 shall remain unaltered.

18-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
Lbm



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T.V.THAMILSELVI, J.

Lbm

To

- 1.The Motor Accidents Claims Tribunal
cum Special Subordinate Court, Coimbatore.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.

C.M.A.No.39 of 2025

18.12.2025



C.M.A.No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.39 of 2025

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For Appellant : Mr.G.Balasubramanian
For Respondent : R1 – Insufficient Address
R2 – Left
Mr.P.Suresh Srinivasan for R3

J U D G M E N T

This appeal is filed by the appellant challenging the order dated 12.07.2023 passed in M.C.O.P.No.1085 of 2018 on the file of Motor Accidents Claims Tribunal cum Special Subordinate Court, Coimbatore.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the driver of the vehicle, second respondent is the owner of the vehicle and third respondent is the Insurance Company before the Tribunal.



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4.The brief facts of the case are as follows:

On 09.04.2018 at 15.30 hrs., when the petitioner was proceeding in a two wheeler bearing Registration No.TN 37 Y 1976 from North to South near Kovai Irugur Devar statue at that time, Eicher lorry bearing Registration No.TN 20 AS 9157 driven by its driver in a rash and negligent manner and hit against the petitioner. Due to the accident, the petitioner sustained grievous injuries. Immediately after the accident, he was taken to Dr.Muthu Hospital. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.1085 of 2018, the Tribunal awarded a sum of Rs.5,40,470/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the appellant is not the owner of the vehicle involved in the accident. The vehicle bearing Registration No.TN 20 AS 9157 belonged to the second respondent herein and he is the owner of the said vehicle. But the Tribunal erroneously fixed the entire liability on the insurance company and ordered recovery from the appellant. To support his arguments, learned counsel for the appellant relied upon the Inspection Report of



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Motor Vehicle involved in the accident, revealing that the second respondent herein is the owner of the vehicle and hence, he filed the present appeal for challenging pay and recovery.

6.Learned counsel appearing for the third respondent submitted that the Tribunal after considering the oral and documentary evidence has awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellant, learned counsel for the third respondent and perused the materials available on record.

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioner, 12 documents were marked as Exs.P1 to P12. On the side of the third respondent, Mr.Udaya Sooriyan, Legal Manager, Reliance General Insurance Company, Coimbatore was examined as RW1 and Insurance Policy copy was marked as Ex.R1.



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9. On perusal of records, it is seen that the second respondent/driver of the vehicle only possessed driving license but not possessed a batch at the time of the accident. This Court is of the view that the Tribunal erroneously ordered the pay and recovery on the appellant is not sustainable. As rightly pointed out by the learned counsel for the appellant, as per the inspection report of the Motor Vehicle involved in the accident reveals that the second respondent herein is the owner of the owner of the vehicle not the appellant. Therefore, the third respondent is liable to pay the compensation to the first respondent and recover the same from the second respondent.

10. The judgment and decree passed by the Motor Accident Claims Tribunal cum Special Subordinate Court, Coimbatore in M.C.O.P.No.1085 of 2018 dated 12.07.2023 is modified to the above extent.

11. The third respondent Insurance Company is directed to deposit the award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent. On such deposit being made, the appellant is



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permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

12.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

01.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To



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