



C.M.P.No.4273 of 2025
in C.M.A.SR.No.24237 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.P.No.4273 of 2025
in C.M.A.SR.No.24237 of 2025

M/s.HDFC Ergo General Insurance Co. Ltd,
No.528, 2nd Floor, Teynampet,
Anna Salai, Chennai-600 002.

... Petitioner/Appellant

vs.

1.K.Shanti

2.K.Deepika (Minor)

3.K.Tharun (Minor)

*(Respondents 2 and 3 are minors represented by
mother and NF 1st Respondent)*

4.Tamil Selvan

... Respondents

PRAYER: Civil Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code, to dispense with the production of certified copy of the award dated 13.08.2024 in M.C.O.P.No.271 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court No.1, Small Causes Court, Chennai.



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For Petitioner/Appellant : Mr.M.B.Raghavan
for M/s.M.B.Gopalan Associates

ORDER

This Civil Miscellaneous Petition has been filed seeking to dispense with production of certified of the award dated 13.08.2024 in M.C.O.P.No.271 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court No.1, Small Causes Court, Chennai.

2. The learned counsel appearing for the petitioner by taking this Court to Section 168 Sub-Section (2) of the Motor Vehicles Act, 1988 and Rule 20 Sub-Rule 6 read with Rule 23 Sub Rule (2) of Tamil Nadu Motor Vehicles Rules, 1989 submits that appeal filed by the claimant shall be accompanied by copy of the award and hence, the copy of the award uploaded in the website by the Tribunal with the digital signature of the Presiding Officer is sufficient for the purpose of numbering of the appeal and Registry shall not insist production of certified copy of the award. The learned counsel further submitted that what is impugned in appeal filed under Section 173 of the Motor Vehicles Act, 1988 is the award passed by



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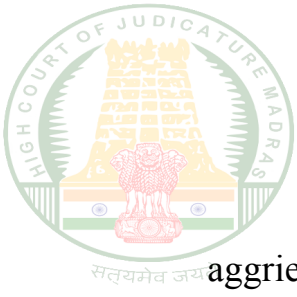
the Motor Accident Claims Tribunal and the same cannot be equated with judgment or decree as understood in Code of Civil Procedure. He relied on judgment of this Court in ***Cholamandalam MS General Insurance Co. Ltd., vs. Ayyannar*** reported in ***2020 (1) TN MAC 706*** for the proposition the order passed by the Tribunal granting compensation is an award not a decree. He also relied on the order passed by the Division Bench of this Court in C.M.P.No.14960 of 2024 in C.M.A.SR.No.86395 of 2024, dated 01.08.2024 in support of his contention.

3. Section 168(2) of the Motor Vehicles Act, 1988 reads as follows:-

“(2). The Claims Tribunal shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.”

Therefore, it is clear that it is incumbent on the Tribunal to deliver the copies of award to the parties within 15 days from the date of passing of award.

4. Section 173 of the Motor Vehicles Act, 1988, enables any person



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aggrieved by an award of a Claim Tribunal to file an appeal to the High Court within 90 days.

5. Rule 20 of Tamil Nadu Motor Vehicles Rules, 1989, reads as follows:-

“20. (1) The Claims Tribunal in passing orders, shall record concisely on a judgment the findings on each of the points framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer or the owner in the case of vehicles which are not insured and also the person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them:

Provided that notwithstanding anything contained in sub-rules (1) and (2) the record of judgment shall, in respect of claims exceeding five thousand rupees, contain the evidence which shall either be verbatim or a reasonably complete and full memoranda of testimony explaining the basis of the compensation, the findings on each such evidence and the



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reasons for such findings before making an award specifying the amount of compensation.

(3) The Claims Tribunal shall announce the details of the award in the open Court and shall furnish copies of the judgment as required to be recorded under sub-rule (1) to the Regional Transport Authority, the Secretary, Regional Transport Authority, the Registering Authority and the Licensing Authority concerned for taking such action as the authorities consider necessary against the drivers, conductors or owners of the vehicles involved in the accident. It shall also send a copy of the judgment to the State Transport Authority, Chennai.

(4) When the Claims Tribunal pronounced the judgment and makes the award, it shall also read the operative part of the award in the regional language understood by the claimant and it shall also be explained to him that he is entitled to the full amount of the compensation which has been awarded to him and that he is not liable to pay any percentage amount of the compensation to the lawyer who appeared for him, but have only to pay the fee determined by the Claims Tribunal.

(5) The Claims Tribunal shall provide the award reasonable expenses of litigation and fees for the counsel. Such fees shall not be lower than the fees specified in the Schedule of fees prescribed by the Tamil Nadu State Legal Aid



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and Advice Board from time to time.

(6) The Claims Tribunal shall, within fifteen days from the date of award, issue copy of award and decretal order, if any, for all parties to the claims free of cost.

(7) The Claims Tribunal shall, in the case of minor, order that amount of compensation awarded to such minor be invested in fixed deposits till such minor attains majority. The expenses incurred by the guardian or the next friend may be allowed to be withdrawn by such guardian or the next friend from such deposits before it is deposited.

(8) The Claims Tribunal shall, in the case of illiterate claimants, order that the amount of compensation awarded be invested in fixed deposits for a minimum period of three years but if any amount is required for effecting purchase of any movable or immovable property for improving the income of the claimant, the Claims Tribunal may consider such a request after being satisfied that the amount would be actually spent for the purpose and the demand is not a ruse to withdraw money.

(9) The Claims Tribunal shall, in the case of semi-literate person resort to the procedure for the deposit of award amounts set out in sub-rule (8) unless it is satisfied, for reasons to be recorded in writing that the whole or part of the amount is required for the expansion of any existing business



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or for the purchase of some property as specified and mentioned in sub-rule (8) in which case the Claims Tribunal shall ensure that the amount is invested for the purpose for which it is prayed for and paid.

(10) The Claims Tribunal may in the case of literate persons also resort to the procedure for deposit of award amounts specified in sub-rule (8) subject to the relaxation specified in sub-rules (8) and (9) if having regard to the age, fiscal background and state of society to which the claimant belongs and such other consideration, the Claims Tribunal in the larger interest of the claimant and with a view to ensuring the safety of the compensation awarded, thinks it necessary to order.

(11) The Claims Tribunal may, in personal injury cases, if further treatment is necessary, on being satisfied which shall be recorded in writing permit the withdrawal of such amount as is necessary for the expenses of such treatment.

(12) The Claims Tribunal shall, in the matter of investment of money, have regard to a maximum return by ways of periodical income to the claimant and make it deposited with public sector undertakings of the State or Central Government which offers higher rate of interests.

(13) The Claims Tribunal shall, in investing money



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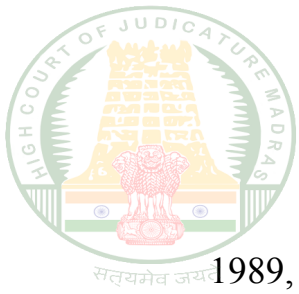
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direct that the interest on the deposits be paid directly to the claimants or to the guardian of the minor claimants by the institutions holding the deposits under intimation to the Claims Tribunal.

(14) The Claims Tribunal shall draw up a cheque in favour of the claimant for the award amount to be paid to him and deliver it to the claimant in the presence of the Advocate for the Claimant and a representative of the Tamil Nadu State Legal Aid and Advice Board.”

6. A close scrutiny of Rule 20 would make it clear that order passed by the Tribunal shall record concisely the findings on each of the points framed by it with reasons for such findings. Therefore, it is clear while passing an award quantifying the compensation payable to the claimant by the insurer or owner as the case may be, the Tribunal is expected to frame points for its consideration, give reasons and enter finding. Therefore, the award passed by the Tribunal is a blend of judgment which contains reasons for final decision and decree which formally expresses final adjudication.

7. Rule 20 Sub-Rule 6 of the Tamil Nadu Motor Vehicles Rules,



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1989, mandates the Tribunal shall within 15 days from the date of award, issue copy of the award and decretal order, if any, for all parties to the claim petition free of cost.

8. Rule 23 Sub-Rules (1) and (2) of Tamil Nadu Motor Vehicles Rules, 1989, reads as follows:-

“23. (1) An appeal against the award of a Claims Tribunal shall be preferred concisely the grounds on which the appeal is preferred.

(2) It shall be accompanied by a copy of the judgment and the award appealed against.”

9. A combined reading of Rules 20 and 23 of the Tamil Nadu Motor Vehicles Rules, 1989, would make it clear that Tribunal shall issue copy of the award free of cost within 15 days and the said copy of the award shall accompany the memorandum of appeal filed against the award of the Claims Tribunal. Rule 20 Sub-Rule 6 as well as Rule 23 Sub-Rule 2 of Tamil Nadu Motor Vehicles Rules, 1989, do not talk about issue and filing of certified copy of the award and it only talks about copy of the award. Here copy of



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the award means authenticated copy of the award passed by the Tribunal.

Therefore, if appeal filed against the award passed by the Claims Tribunal is accompanied by authenticated copy of the award passed by the Tribunal, the same is sufficient for the purpose of Rule 23 Sub-Rule 2 of the Tamil Nadu Motor Vehicles Rules, 1989.

10. Motor Vehicles Act, 1988, is a special enactment and the Motor Accident Claims Tribunal is a creature of that special enactment. Likewise, appeals to High Court against the award passed by the Claims Tribunal is also a creature of special statute under Section 173 of Motor Vehicles Act, 1988. It is a self contained enactment with rules. The relevant rules only insist filing of copy of the award along with appeal memorandum. When there is a provision in the special enactment namely the Motor Vehicles Act, 1988 and the Rules framed thereunder regarding the enclosures to be attached with memorandum of appeal, the same shall prevail over the general procedure prescribed under Code of Civil Procedure. Though under Order XLI-A of Code of Civil Procedure, appeal to the High Court shall be accompanied by certified copies of the judgment, in view of provision in the



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rules framed under special enactment namely Rule 23 Sub-Rule 2 of Tamil Nadu Motor Vehicles Rules, 1989, the general provision under Order XLI-A of Code of Civil Procedure gets excluded. Therefore, the appeal memorandum filed under Motor Vehicles Act, 1988, need not be accompanied by a certified copy of the award and if it is accompanied by a copy of the award impugned in the appeal, the same is sufficient. By way of abundant caution, this Court would like to emphasize that the expression “copy of award” used under relevant rule only means authenticated copy of award issued by Tribunal. Now, we have to see whether copies of the award uploaded by the Tribunals in the Official Website can be treated as authenticated copies.

11. It is needless to say each and every page of the copy of the award uploaded in the Official Website are digitally signed by the Presiding Officer. Therefore, a soft copy of award uploaded in the Official Website of the Tribunals can be taken as digitally authenticated by the Presiding Officers.



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12. At this juncture, this Court would like to refer to the Sections 4 and 5 of Information Technology Act, 2000, which read as follows:-

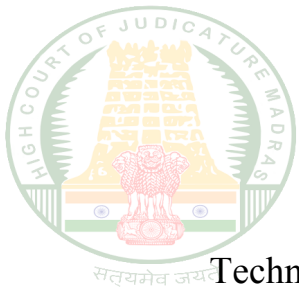
“4. Legal recognition of electronic records.-Where any law provides that information or any other matter shall be in writing or in the typewritten or printed form, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied if such information or matter is—

(a) rendered or made available in an electronic form; and

(b) accessible so as to be usable for a subsequent reference.

5. Legal recognition of [electronic signatures].-Where any law provides that information or any other matter shall be authenticated by affixing the signature or any document shall be signed or bear the signature of any person, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied, if such information or matter is authenticated by means of [electronic signature] affixed in such manner as may be prescribed by the Central Government.”

13. A combined reading of Sections 4 and 5 of the Information



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Technology Act, 2000, would make it clear that electronic signatures affixed in an electronic record is legally recognised. Therefore, the copy of the award uploaded in the Official Website of the Tribunal is an electronic record digitally signed and authenticated by the Presiding Officer in each of the page. Therefore, there is no difficulty in coming to the conclusion that digitally signed award copy uploaded in the website is the authenticated copy of the award made available to the claimant pursuant to the Rule 20 Sub-Rule 6 of the Tamil Nadu Motor Vehicles Rules, 1989. If the same is downloaded and filed along with the memorandum of appeal, it would amount to proper compliance of Rule 23 Sub-Rule 2 of the Tamil Nadu Motor Vehicles Rules, 1989.

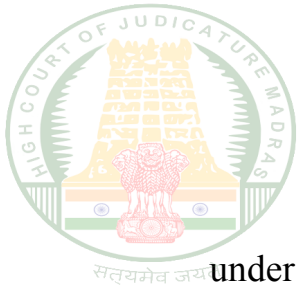
14. As I mentioned earlier, in view of the special rules framed under the special enactment, the general rules of procedure in Code of Civil Procedure requiring filing of certified copy along with grounds of appeal will not be applicable to the appeals filed under Section 173 of the Motor Vehicles Act, 1988.



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15. A Division Bench of this Court in C.M.P.No.14960 of 2024 in C.M.A.SR.No.86395 of 2024, dated 01.08.2024 held that Registry shall not insist production of certified copies of impugned judgment/order in respect of Intra Court Appeals filed before the High Court. However, as far as appeal filed under Order XLI-A of Code of Civil Procedure from the judgment and decree passed by the Courts Subordinate to the High Court are concerned in view of the specific provision under Order XLI-A, the Hon'ble Division Bench directed the Registry to place the matter before the Acting Chief Justice for referring it to the consideration of Rule's Committee. Till necessary amendments are made to the rules, in the interregnum period, the parties were directed to file dispense with applications. This Court already came to the conclusion, in view of the specific provision in the rules framed under the special enactment that appeals filed to the High Court from the award passed by the Tribunal shall be accompanied by copies of award and not certified copies of the award as mentioned in Order XLI-A, there is no necessity to insist filing of certified copies issued by the Tribunal along with memorandum of appeal filed under Motor Vehicles Act, 1988. Since there is a provision in the rules framed

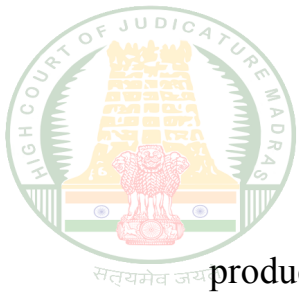


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under the special enactment enabling the parties to file copies of award, amendment or otherwise of Order XLI-A of Code of Civil Procedure will not make any difference as far as appeals filed under Motor Vehicles Act, 1988, are concerned.

16. In order to ensure digitally signed copy of the award filed along with memorandum of appeal, is the one downloaded from the Official Website of the Tribunal, this Court feels it would be appropriate to insist that the counsel on record/party-in-person shall file an affidavit in terms of Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (Section 65-B of Evidence Act). The affidavit shall contain a clear declaration that digitally signed copy of the award produced was infact downloaded from the Official Website of the Tribunal by the deponent from his computer. If the downloaded digitally signed web copy of the award is accompanied by affidavit of the counsel on record/party-in-person, as the case may be in terms of Section 63 of the Bharatiya Sakshya Adhiniyam, 2023, the same shall be sufficient for the purpose of Rule 23 Sub-Rule 2 of Tamil Nadu Motor Vehicles Rules, 1989 and hence, the Registry shall not insist on



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production of certified copies issued by the Tribunal.

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17. It is made clear that the limitation for filing the appeal shall run from the date on which the document was digitally signed. In case appellant opts to file certified copies of award issued by Tribunal, the limitation for filing appeal shall be calculated as per existing practice, without reference to date of digital signature.

18. The Registry is directed to mark a copy of this order to the Registrar (IT) to take necessary steps to ensure that the digitally signed award copies are uploaded on the very date on which it is digitally verified.

19. The learned counsel appearing for the petitioner/appellant already filed a memo seeking leave of the Court to withdraw the Civil Miscellaneous Petition, the same is ordered and the learned counsel for the petitioner/appellant is directed to file an affidavit in terms of Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 along with digitally signed web copy of the award. On filing of the same, the Registry shall number the civil



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miscellaneous appeal, if it is otherwise in order, without insisting
production of certified copies of award.

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Index :Yes
Speaking order :Yes
Neutral Citation :Yes
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To

The Motor Accidents Claims Tribunal,
Special Subordinate Court No.1,
Small Causes Court, Chennai.

Copy to

The Registrar (IT),
High Court, Madras.



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S.SOUNTHAR, J.

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