



CMA.No.679 & 681 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA.No.679 and 681 of 2025 and
C.M.P.Nos.5420 and 5432 of 2025

The Manager
United India Insurance Co Ltd.,
Motor Third Party Claims Hub, 4th floor, Silingi Building,
No.134, Greams Road,
Chennai- 600 006 ... Appellants in both CMA's.

Vs.

1. S.Nizamuddin
2. R.Janakiraman ... Respondents in CMA.No.679 of 2025

1. M.Mohanraj
2. R.Janakiraman ... Respondents in CMA.No.681 of 2025

Prayer in in CMA.No.679 of 2025 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the Order and decretal order dt. 22.03.2024 in MCOP No. 5305 of 2011 passed by the Learned VI Judge, (Motor Accident Claims Tribunal), Small Causes Court, Chennai.

Prayer in in CMA.No.681 of 2025 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, To setting aside the Order and decretal order dt. 22.03.2024 in MCOP No. 5306 of 2011 passed by the



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WEB COPY Learned VI Judge, (Motor Accident Claims Tribunal), Small Causes Court, Chennai.

For Appellants in both CMA's : Mr.R.Rajesh

For Respondent in both CMA's : Mr.K.R.Ponnusamy

for M/s.Anand and Suryas for R1

R2-Notice dispensed with

COMMON JUDGMENT

These appeals are filed by the insurance company aggrieved by the award passed by the Motor Accident Claims Tribunal directing the insurance company to pay Rs.12,77,856/- and a sum of Rs.1,00,850/- respectively to the claimants in respective appeals in CMA.No.679 and 681 of 2025.

2. It is the case of the claimant/first respondent in both the CMA's that on 15.07.2021, they travelled in a LMV good carrier bearing registration number TN 07 U 2776 belonged to the second respondent insured with the appellant. It was stated by the claimants that they travelled along with goods and its owner. It is further claimed that the vehicle was driven in a rash and negligent manner by its driver and as a consequence of rash and negligent driving, the left-hand side of the tyre was burst and the vehicle was capsized. As a result of



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3. The second respondent, owner of the goods carrier, remained exparte. The claim petition was resisted by the Appellant Insurance Company by filing a counter. It was the case of the insurance company that the second respondent allowed more number of persons to travel in the goods vehicle and hence, he violated the policy condition. The insurance company also denied the age, avocation and income of the injured persons.

4. Before the Tribunal, the injured claimants were examined as PW1 and PW2 and 19 documents were marked on the side of the claimants as Exhibit P1 to P19. On behalf of the Appellant Insurance



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Company, its official was examined as RW and 3 documents were marked as Exhibit R1 to Exhibit R3. The disability certificate issued by the medical board was marked as Exhibit C1.

5. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the rash and negligent driving of the driver of the goods carrier owned by the second respondent. The Tribunal also held that by virtue of Section 147 of MV Act, the insurance company is liable to pay the compensation and quantified the compensation payable to the respective claimants at Rs.12,77,856/- and Rs.1,00,850/-. Aggrieved by the said award, the insurance company has come before this court.

6. The learned counsel for the appellant /Insurance Company submitted that the claimants travelled in a good vehicle and hence, the insurance company is not liable to pay compensation. He further submitted that as per the RC, the seating capacity of the vehicle was only 3. According to him, five persons travelled in the vehicle and the injured claimant travelled in the rear portion of the vehicle and hence, the insurance company was not at all liable to pay compensation.



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7. Section 147-1(b)(i) of Motor Vehicle Act,1988 reads as follows:-

147. Requirement of policies and limits of liability. –

“(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person, including owner of the goods or his authorised representative carried in the vehicle or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place”

8. Therefore, the insurance company is liable to compensate in respect of the death or bodily injury to any person including the owner of the goods or his authorised representative carried in the vehicle. In the case on hand, the owner of the goods filed a police complaint based on which, FIR was registered against the driver of the vehicle insured with the appellant. In his complaint, the owner of the goods, who also travelled in the vehicle, clearly deposed the injured claimants were his employees travelled in the goods vehicle as load men. Therefore, the Tribunal, based on the contents of the FIR and evidence of PW1 and PW2, rightly came to the conclusion that the injured persons travelled in the goods vehicle along with the goods as load men. Therefore, they



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come within the expression authorised representative of the owner of the goods. Hence, the conclusion reached by the Tribunal that the appellant insurance company is liable to pay compensation to the injured is in accordance with the law and the same requires no interference.

9. The learned counsel for the Appellant has not disputed the quantum of compensation awarded in CMA.No.681 of 2025. Therefore, the same is confirmed.

10. In CMA.No.679 of 2025, the Tribunal adopted multiplier method when there is no evidence to show that the injury suffered by the claimant interfere with the avocation of the injured. It is the case of the claimant in CMA.No.679 of 2025 that he was employed as a coolie in the old paper shop and earning a sum of Rs.300/- per day. The Tribunal fixed Rs.7,500/- as his income. The said amount fixed by the Tribunal is conservative one and the claimants have not questioned the notional income and therefore, the same is confirmed.



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11. The claimant in CMA.No.679 of of 2025 suffered fracture with dislocation of lumbar spine 4 burst. He also received injuries in his right leg, shoulder, right hand, left hand and all over his body. The competent medical board which examined the claimant came to the conclusion that the claimant suffered 60% permanent disability. Taking into consideration the claimant was a load men and suffered 60% permanent disability due to the fracture and dislocation of lumbar spine, the Tribunal rightly came to the conclusion that the injury suffered by the claimant will interfere with his avocation and adopted multiplier method. I do not find anything to interfere with the said findings. As mentioned earlier, the notional income of Rs.7,500/- awarded by the Tribunal is a conservative one and the same requires no interference. Therefore, the insurance company has not made out any case to interfere with the quantum of compensation awarded by the Tribunal. Hence, the findings of the Tribunal with regard to the quantum of compensation is also confirmed.



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12. In view of the discussions made earlier, both the civil miscellaneous appeals are dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
Internet: Yes/No
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To

1. Motor Accident Claims Tribunal
The VI Judge, Small Causes Court, Chennai.

2. The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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