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CMA No. 1003 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A. No.1003 of 2023
and C.M.P. No. 9451 of 2023

The Oriental Insurance Company Limited
rep. by its Branch Manager,
HUB,
Sathuvacheri Post,
Vellore District.

...Appellant(s)

Vs

1.Sivanantham
2.Sasikumar

...Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 14.02.2023 passed in M.C.O.P.No.109 of 2021 on the file of the learned Special Sub Judge, Motor Accident Claims Tribunal, Tirupattur.

For Appellant(s): Ms.G.Sukumari

For Respondent(s): Mr.S.Sidhartha Vishnu for R1
R2 - Notice Dispensed With

**ORDER**

The above Civil Miscellaneous Appeal arises against the Award and Decree dated 14.02.2023 passed in M.C.O.P.No.109 of 2021 on the file of the learned Special Sub Judge, Motor Accident Claims Tribunal, Tirupattur.

2.It is the case of the claimants that the 1st respondent herein filed a claim petition before the Tribunal seeking compensation of Rs.25,00,000/- for the injuries sustained in a road accident on 25.01.2021. According to the respondents, the accident occurred when the motorcycle bearing Reg. No.TN-83-R-2189, insured with the appellant, rashly and negligently collided with the motorcycle ridden by the 1st respondent bearing Reg.No.TN-29-AX-5782. The 1st respondent contended all the relevant medical bills, FIR, and treatment records, asserting that the accident occurred solely due to the rash and negligent riding of the 2nd respondent's vehicle. The Claims Tribunal, after evaluating the pleadings and evidence, awarded compensation of Rs.4,48,471/- to the claimant.

3.The learned counsel for the appellant / Insurance Company contended that the accident occurred due to the own negligence of the 1st respondent and not the 2nd respondent. The 1st respondent did not have a valid driving license at



the time of accident. Further, he contended that the Motorcycle bearing

Reg.No.TN-83-R-2189 did not have a valid insurance policy on the date of

accident. Hence, the Tribunal erred in granting Rs.4,48,471/- as compensation

to the claimant. He further submitted that the 1st respondent failed to prove the

monthly income and exaggerated medical expenses and disability.

4.The learned counsel for the 1st respondent argued that FIR and witness statements establish the rash and negligent riding by TN-83-R-2189 and the 1st respondent was not negligent and followed the traffic rules. He submitted that the injured was admitted in the hospital after the accident and therefore, he is not able to give a complaint. Therefore, the negligence was proved upon the rider of the 2nd respondent and thereby, the Insurance Company/appellant was liable to pay compensation. Further, the medical evidence confirms injuries, disability, and the associated expenses. The compensation awarded to the claimant is fair and justified based on statutory principles under Act. Hence, he prayed for dismissal of the appeal.

5.Upon careful perusal of the records, it is seen that on the date of the accident, two two wheelers have been involved. The First Information Report



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and eye witness consistently indicate rash and negligent driving by the vehicle bearing Reg.No.TN-83-R-2189. There is no credible evidence of contributory negligence by the 1st respondent. The Tribunal correctly considered the insurance coverage of the vehicle bearing Reg.No.TN-83-R-2189. Further, no evidence proves that the 1st respondent lacked a valid driving license. The Tribunal carefully considered the records and awarded compensation for permanent disability at 10% and imposed liability on the insurer of the negligent vehicle. Therefore, the Tribunal has rightly probablised that the injured was admitted in the hospital and he was not able to narrate the entire facts. Hence, the liability is fixed on the appellant as well as the 2nd respondent herein is justified, which needs no interference. Moreover, the two wheeler of the rider belongs to the 2nd respondent. Therefore, the alleged manner of the accident disputed by the appellant, as such, is not sustainable. Therefore, the findings of the Tribunal is confirmed.

6. Accordingly, this Civil Miscellaneous Appeal is dismissed. The appellant/Insurance Company is directed to deposit the entire compensation amount of Rs.4,48,471/- with interest @7.5% per annum, less the amount



already deposited, with proportionate accrued interest and costs, to the credit of

M.C.O.P.No.109 of 2021 on the file of the learned Special Sub Judge, Motor

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Accident Claims Tribunal, Tirupattur, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, by making necessary applications.

The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs. Consequently, connected Miscellaneous Petition is closed.

25-06-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

CMA No. 1003 of 2



T.V.THAMILSELVI J.

mps

To

1.The Special Sub Judge,
Motor Accident Claims Tribunal,
Tirupattur.

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

CMA No. 1003 of 2023

AND

CMP NO. 9451 OF 2023

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