



C.M.A.Nos.3101 and 3102 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.11.2025**

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.Nos.3101 and 3102 of 2021

and C.M.P.Nos.17551 and 17554 of 2021

C.M.A.No.3101 of 2021

The Manager,
The New India Assurance Company Limited,
S.No.238/4, Nagappan Complex, Edapadi,
Diversion Road,
Jalakandapuram,
Mettur Taluk,
Salem District 636 501

.. Appellant / 2nd Respondent

Vs.

1. Udhayan

.. Respondent / Petitioner

2. S.Mahadevan

.. Respondent / 1st Respondent

3. Rajendiran

.. Respondent / 3rd Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Award dated 23.11.2020 made in M.C.O.P.No.30 of 2018 on the file of the Motor Accident Claims Tribunal (Sub Court), Uthangarai.



C.M.A.Nos.3101 and 3102 of 2021

C.M.A.No.3102 of 2021

The Manager,
The New India Assurance Company Limited,
S.No.238/4, Nagappan Complex, Edapadi,
Diversion Road,
Jalakandapuram,
Mettur Taluk,
Salem District 636 501

.. Appellant / 2nd Respondent

Vs.

- | | |
|----------------|--|
| 1. Murugan | .. Respondent / Petitioner |
| 2. S.Mahadevan | .. Respondent / 1 st Respondent |
| 3. Rajendiran | .. Respondent / 3 rd Respondent |

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Award dated 23.11.2020 made in M.C.O.P.No.31 of 2018 on the file of the Motor Accident Claims Tribunal (Sub Court), Uthangarai.

In Both Appeals

For Appellant : Mr.K.Vinoth

For R1 : Mr.J.Pradeep

For R2 & R3 : No Appearance

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been preferred by the Insurance Company against the Award dated 23.11.2020 passed in M.C.O.P.Nos.30 and 31 of 2018 on the file of the Motor Accidents Claims



Tribunal / Subordinate Court, Uthangarai as regards the negligence issue.

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2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The learned counsel for the appellant would contend that the accident did not occur by the negligent driving of the lorry bearing Registration No.TN 30 AK 5577 insured with the appellant.

4. It is the evidence of P.W1- A.Murugan that on 04.12.2016, the claimant Murugan and Udhayan were travelling in the TNSTC bus bearing Registration No. TN 29 N 2695 in order to go to Bangalore as fare-paid passenger. P.W1 would further state that the bus was driven by the driver by following traffic rules. At about 18.30 hours, when the bus was nearing Sendarapalli Government School, Ashok Leyland lorry bearing Registration No.TN 30 AK 5577 belonging to the 1st respondent and insured with the 2nd respondent came from the opposite direction towards Uthangarai and dashed against the TNSTC Bus, in which the petitioners travelled as passengers. Due to the said impact, the petitioners and other persons sustained serious injuries.

5. The other claimant Udhayan is examined as P.W2 has also spoken



about the accident in line with the evidence given by P.W1. It is also relevant to note that during the cross-examination of P.W1 and P.W2, no details advantageous to the owner and the insurer of the lorry were elicited. By relying upon the testimony of P.W1 and P.W2 coupled with F.I.R, the Tribunal came to the conclusion that the accident occurred only due to the rash and negligent driving of the driver of the Ashok Leyland lorry bearing Registration No.TN 30 AK 5577. No ocular witness was examined on behalf of the Insurance Company. In such a view of the matter, liability fastened upon the owner and the insurer of the erred vehicle cannot be found fault with.

C.M.A.No.3101 of 2021:

6. In the result,

(i) This Civil Miscellaneous Appeal stands dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition stands closed.

(ii) The compensation awarded by the Tribunal is confirmed.

(iii) The Appellant / Insurance Company is directed to deposit the compensation amount awarded by the Tribunal i.e.**Rs.25,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation (excluding the period of default if any) to the credit of M.C.O.P.No.30 of 2018 on the file of Motor Accident Claims Tribunal / Subordinate Court, Uthangarai, within a



period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is at liberty to withdraw the same along with interest and costs, less the amount if any already withdrawn, by making necessary cheque application before the Tribunal.

(v) The claimant is directed to pay the Court fee for the compensation amount awarded by the Tribunal, if any.

C.M.A.No.3102 of 2021:

7. In the result,

(i) This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition stands closed.

(ii) The compensation awarded by the Tribunal is confirmed.

(iii) The Appellant / Insurance Company is directed to deposit the compensation amount awarded by the Tribunal i.e.**Rs.36,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation (excluding the period of default if any) to the credit of M.C.O.P.No.31 of 2018 on the file of Motor Accident Claims Tribunal / Subordinate Court, Uthangarai, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is at liberty to withdraw the same along with interest and costs, less the amount if any already



C.M.A.Nos.3101 and 3102 of 2021

withdrawn, by making necessary cheque application before the Tribunal.

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(v) The claimant is directed to pay the Court fee for the compensation amount awarded by the Tribunal, if any.

19.11.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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C.M.A.Nos.3101 and 3102 of 2021

R. KALAIMATHI, J.

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Copy to

1. The Motor Accident Claims Tribunal / Subordinate Court, Uthangarai.
2. The Section Officer,
VR Section,
High Court, Madras.

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