



C.M.A.Nos.646 & 1975 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.Nos.646 & 1975 of 2018

C.M.A.No.646/2018 :

United India Insurance Company Ltd.,
No.24, Rattan Bazaar, III Floor,
Chennai-600 003.

...

Appellant

vs

1.S.Manikandan

2.T.Prabu

3.The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-9.

...

Respondents

C.M.A.No.1975/2018 :

S.Manikandan

...

Appellant

vs



C.M.A.Nos.646 & 1975 of 2018

WEB COPY 1.T.Prabhu

2.United India Insurance Company Ltd.,
No.24, Rattan Bazaar, III Floor,
Chennai-600 003. ... Respondents

(Respondent-3 is suo-motu impleaded vide court order,
dated 14/07/2023 made in CMA.Nos.646 & 1975/2018)

PRAYER : Appeals against the judgment and decree, dated 13.12.2017,
passed in M.C.O.P.No.3393 of 2001 on the file of Motor Accident Claims
Tribunal, (II Court of Small Causes), Chennai.

For Appellant in C.M.A.No.646/2018 &
Respondent No.2 in C.M.A.No.1975/2018 :
Mr.P.Sankaranarayanan

For Appellant in C.M.A.No.1975/2018 &
Respondent No.1 in C.M.A.No.646/2018 : No appearance

For Respondent 2 in C.M.A.No.646/2018 &
Respondent No.1 in C.M.A.No.1975/2018 :
Mr.M.Balachandar

For Respondent 3 in both C.M.As.: Mr.Babumurhu Meeran,
Addl. Public Prosecutor.

JUDGMENT

(By Dr.G.Jayachandran,J.)



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These appeals arise out of the Award passed in M.C.O.P.No.3393 of 2001 on the file of Motor Accident Claims Tribunal - cum - II Court of Small Causes, Chennai, which was filed by one S.Manikandan, claiming a compensation of Rs.2,14,00,425/-, for the injury sustained by him in an alleged road accident on 20.11.1997.

2. The case of the claimant was that on 20.11.1997, at about 03.30 hours, when he was travelling as a pillion rider in Suzuki motor cycle bearing registration No.TN-59-F-2002 at Kilpauk Garden Road, a newly delivered white coloured Maruti van came in opposite direction, driven by its driver in a rash and negligent manner, and dashed against him, causing grievous injury.

3. The claim petition was opposed by the insurance company, the second respondent. The owner of the vehicle was the first respondent. Though the alleged accident happened on 20.11.1997, the claim petition was filed after four years and the Motor Accident Claims Tribunal passed an award for a sum of Rs.22,22,000/- with interest at the rate of 9% per annum, despite the accident being disputed by the insurance company.

4. Being aggrieved, the insurance company has preferred C.M.A.No.646 of 2018 and the claimant filed C.M.A.No.1975 of 2018 for enhancement of compensation.



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5. Meanwhile, when the appeals were pending, a complaint was registered at the instance of the insurance company, regarding the claim based on fake accident.

6. It is to be noted that the claimant - Manikandan, who is the appellant in C.M.A.No.1975 of 2018, though put to notice and his name is printed in the cause list, has not entered appearance after filing the appeal and also not contested the appeal, preferred by the insurance company.

7. Mr.M.Balachandar, counsel for T.Prabhu - name lender, appeared through video conference and sought time.

8. This Court, after considering the facts, is of the view that the said Prabhu, though is a respondent in both the appeals, is not aggrieved by the award and he has not preferred any appeal. Therefore, there is no necessity to adjourn the case at his request. Accordingly, this Court proceeded to decide the appeals on merits.

9. Mr.M.Babumuthu Meeran, learned Additional Public Prosecutor, today reports that the complaint of the insurance company was taken up for investigation in Crime No.234 of 2023 on the file of T.P.Chatram Police Station and a case was registered for the offences under Section 465, 468, 471 and 420 of Indian Penal Code. It was found that the accident alleged by the claimant - Manikandan was an imaginary one, for the sake of claiming compensation. The story of hit and run was invented with the help of his



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friends and advocates. Actually, it was a Mahindra van, that was involved in the accident. However, an unregistered Maruti van is shown as the offending vehicle for the sake of claiming compensation. On completion of investigation, final report has been filed before the Chief Metropolitan Magistrate at Egmore against the claimant - Manikandan, Prabhu - owner of Maruti van, for offering his vehicle for claiming compensation, even though aware of the fact that his vehicle was not involved in the accident. The final report is taken on file by the learned Chief Metropolitan Magistrate in C.C.No.243 of 2025 and trial has commenced.

10. In the above said facts and circumstances, we are of the view that the case of the claimant - Manikandan, who is the appellant in C.M.A.No.1975 of 2018, is based on false information and fake claim. When the claim petition itself is not maintainable, the insurance company, who is the appellant in C.M.A.No.646 of 2018, is not liable to pay any compensation. Therefore, the award passed by the Tribunal, based on forged and fabricated documents, is liable to be set aside.

11. Accordingly, the impugned award, dated 13.12.2017, passed in M.C.O.P.No.3393 of 2001 by the Motor Accident Claims Tribunal - cum - II Court of Small Causes, Chennai, stands set aside.

12. In the result, C.M.A.No.646 of 2018 filed by the insurance company is allowed and C.M.A.No.1975 of 2018 filed by the claimant for



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enhancement of compensation is dismissed. No costs. Consequently, the connected C.M.P.No.5808 of 2018 is closed.

dixit

(DR.G.J.,J.) (M.S.K.,J.)
16.09.2025

To

Motor Accident Claims Tribunal-cum-
II Court of Small Causes,
Chennai.

DR.G.JAYACHANDRAN,J.
AND
MUMMINENI SUDHEER KUMAR, J.

dixit



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