



WEB COPY

CMA No. 1188 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1188 of 2023

AND

CROS.OBJ NO. 28 OF 2024

1. V.Sathiya

W/o.G.Veeravel, No.252/1, Periya
Colony, Ranganathauram, Cuddalore
Taluk.

2. G.Gothandapani

S/o.Gopal, No.252/1, Periya Colony,
Ranganathauram, Cuddalore Taluk.

3. Kanagayal @ Kanagaya

W/o.G.Gothandapani, No.252/1, Periya
Colony, Ranganathauram, Cuddalore
Taluk.

Appellant(s)

Vs

1. C.Suganya

W/o.Late R.Chinnadurai, 31,
Sedapalayam, Annavalli, Cuddalore
Taluk.

2.The Divisional Manager

The New India Assurance Co.Ltd.,



CMA No. 1188 of 2023



Do.30 JN Street, Puducherry 605 001.

Respondent(s)

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CROS.OBJ No. 28 of 2024

1. The Divisional Manager
The New India Assurance
Co.Ltd,.Do.30, JN Street, Puducherry
605 001.

Appellant(s)

Vs

1. V. Sathiya
W/o.G.Veeravel, No.252/1, Periya
Colony, Ranganathapuram, Cuddalore
Taluk.

2.G.Gothandapani
S/o.Gopal, No.252/1, Periya Colony,
Ranganathapuram, Cuddalore Taluk.

3.Kanagayal @ Kanagaya
W/o.G.Gothandapani, No.252/1, Periya
Colony, Ranganathapuram, Cuddalore
Taluk.

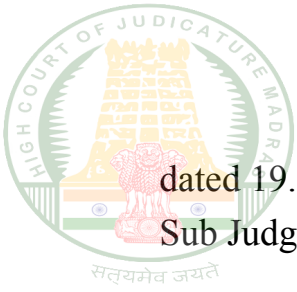
4.C.Suganya
W/o.Late R.Chinnadurai, 31,
Sedapalayam, Annavalli, Cuddalore
Taluk.

Respondent(s)

CMA No. 1188 of 2023

PRAYER

To allow the appeal and enhance the compensation in M.C.O.P.No.1974 of 2016



dated 19.08.2021 on the file of the Motor Accidents Claims Tribunal/Special Sub Judge, Cuddalore and thus render justice.

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CROS.OBJ No. 28 of 2024

PRAYER

To set aside the award dated 19.8.2021 made in MCOP.No. 1974/2016 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore.

CMA No. 1188 of 2023

For Appellant(s): Ramya V. Rao

For Respondent(s): M/s. T.Jayaraman For R2 R1 -
Dispensed With

ORDER

This civil Miscellaneous appeal has been filed to allow the appeal and enhance the compensation in M.C.O.P.No.1974 of 2016 dated 19.08.2021 on the file of the Motor Accidents Claims Tribunal/Special Sub Judge, Cuddalore.

2. The Cross Objection has been filed to set aside the award dated 19.8.2021 made in MCOP.No. 1974/2016 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore.

3. According to the Insurance Company/Cross objector, the Tribunal has erroneously fixed liability upon the Insurance Company as if two wheeler was driven by the Chinnadurai involved in the accident. In fact, as per the complaint



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given by the Suganya, at the time of the accident one TaTa Ace vehicle driven in rash and negligent manner and dashed the motor cycle due to which Chinnadurai was felt down thereafter chinnadurai was died due to the fatal injury and submits that the final report was also filed. But the tribunal has fixed liability without considering the involvement of the TaTa Ace vehicle. Therefore, Insurance Company raised objection with regard to the award passed by the tribunal.

4. The learned counsel for the respondent/claimant pointed out that before the tribunal the Insurance Company remains exparte therefore based on the available records the tribunal passed the award by holding that husband of the first respondent/claimant has driven a two wheeler in rash and negligent manner and dashed against the two wheeler driven by the claimant's husband Veeravel. Thereby accident was proved. Accordingly, the tribunal fixed the liability on the insurance company. As rightly pointed by the learned counsel for the Insurance Company, as per the original complaint given by the claimant/Suganya wife of the deceased Chinnadurai stated that one TATA Vehicle said to be dashed against the two wheeler but the Said TATA Ace vehicle was not included.



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Therefore, three vehicles were involved in the accident but in the tribunal findings there is nothing mentioning about the TATA Ace vehicle. Considering the FIR, which shows that one TATA Ace Vehicle was involved in the accident but it was not taken into consideration by the Tribunal while passing the order which is unsustainable. Hence, findings rendered by the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore, in MCOP No. 1974 of 2016 is hereby set aside and this Court remand this matter to the Tribunal for fresh consideration. Further, the tribunal is directed to pass the order on merits without influence of the observation made in this order.

5. In the result, these Civil Miscellaneous Appeal and cross objection are disposed of. No Costs. Pending petition(s), if any, is/are closed.

03-06-2025

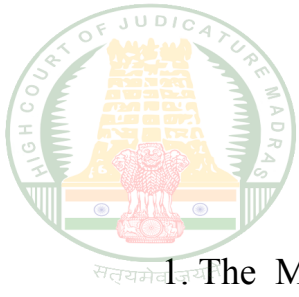
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1188 of 2023



1. The Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore
2. The Section officer, V.R. Section, High Court, Madras.
3. The Divisional Manager
The New India Assurance
Co.Ltd.,
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T.V.THAMILSELVI J.
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