



WEB COPY

CMA No. 1754 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1754 of 2023

AND

CMP NO. 17210 OF 2023

1. SHANMUGAM

S/o Ramasamy, Res at 25/1, Middle St,
Siruvangur Village, Kallakurichi Tk

Appellant(s)

Vs

1. VASUKI

W/o Alagarsamy, Res at Vanaveretty
Village, Kallakurichi Tk

2.Minor Vasima

D/o Alagarsamy, Res at Vanaveretty
Village, Kallakurichi Tk Minor
petitioner rep by next friend/guardian
mother 1st respondent

3.NALLAMMAL

W/o Desingu, Res at Vanaveretty
Village, Kallakurichi Tk

4.DESINGU

S/o Muniyan, Res at Vanaveretty
Village, Kallakurichi Tk



WEB COPY

CMA No. 1754 of 2023



Respondent(s)

CMA No. 1754 of 2023

PRAYER

To set aside the award passed in MCOP.No. 200 of 2020 dt 01.03.2023 on the file of the Motor Accident Claims Tribunal, III Addl. District Court, Villupuram at Kallakurichi

CMA No. 1754 of 2023

For Appellant(s): V.Regunathan

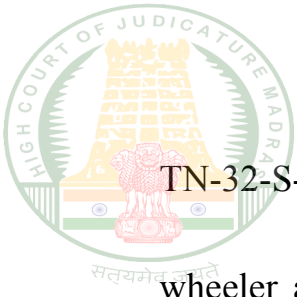
For Respondent(s): Amar Dineshbhai Pandiya For
R1 To R4

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the award passed in MCOP.No. 200 of 2020 dt 01.03.2023 on the file of the Motor Accident Claims Tribunal, III Addl. District Court, Villupuram at Kallakurichi (in short "tribunal).

2. The Brief facts of the case:

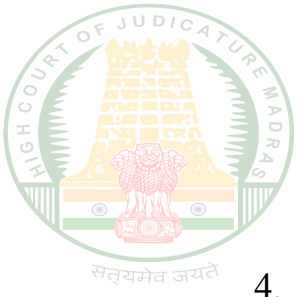
On 20-5-2020 at 14.30 hours Near kallakurichi To kachirapalaiyam road, while the deceased was driving of the two wheeler bearing registration No. TN-15-P-7276. The respondents driver, drove the vehicle bearing registration No



WEB COPY

TN-32-S-0438, in a rush and negligent manner and dashed against the two wheeler and there by caused his death of the deceased. But for the rash and negligent driving of the respondents driver this accident would not have happened. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The respondent/appellant herein contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded the compensation. Challenging the quantum of compensation the appellant filed this appeal.

3. The learned counsel for the appellant submits that the vehicle bearing registration No. TN-32-S-0438 was originally owned by the appellant herein subsequently the same was sold to one C.Dhanasekaran on 15.05.2012 after 8 years later the present accident was happened and the same was mentioned in the counter, but the tribunal without considering the same passed the award against the appellant by fixing liability. Further, the said Dhanasekar is liable for the accident without which tribunal passed the award against the appellant which is erroneous and liable to be set aside. Hence, he prays to set aside the award passed by the tribunal.



WEB COPY

4. The learned counsel for the respondents/claimants submit that the accident was happened due to the negligent driving of the two wheeler, which belongs to the appellant herein. Therefore, the tribunal rightly fixed the liability upon the appellant which needs no interference. Furthermore, as on the date of the accident, the ownership of the vehicle was under the name of the appellant, hence, he is liable to pay compensation.

5. Heard, the submission of the appellant and respondents.

6. Considering the facts of the case, the objection of the appellant is that he is not the owner of two wheeler bearing registration No. TN-32-S-0438, and he said to have sold the said two wheeler to one Dhanasekar in the year 2012 itself, but the name has not been transferred. Since the transfer of ownership was not made, the case was proceeded against the appellant and liability also fixed upon him. The accident was happened due to the involvement of his two wheeler, which was driven by Dhanasekar. Admittedly, the said Dhanasekar was not examined on the side of the appellant nor he was added as party to the proceedings. Therefore, on the date of the accident, the appellant is the owner of



the offending vehicle hence he is liable to pay the compensation which was rightly appreciated by the tribunal needs no interference. Accordingly, this appeal is dismissed as no merits. No Costs. Pending petition(s), if any, is/are closed.

17-06-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

CMA No. 1754 of 2023

To

1.VASUKI

W/o Alagarsamy, Res at Vanaveretty
Village, Kallakurichi Tk

2.Minor Vasima

D/o Alagarsamy, Res at Vanaveretty
Village, Kallakurichi Tk Minor
petitioner rep by next friend/guardian
mother 1st respondent

3.NALLAMMAL

W/o Desingu, Res at Vanaveretty
Village, Kallakurichi Tk



CMA No. 1754 of 2023



4.DESINGU

S/o Muniyan, Res at Vanaveretty

Village, Kallakurichi Tk.

5. The Section officer, V.R Section,
High Court, Madras.

6. The



WEB COPY

CMA No. 1754 of 2023



T.V.THAMILSELVI J.
pbl

**CMA No. 1754 of 2023
AND CMP NO. 17210
OF 2023**

17-06-2025