



C.M.A.No.1392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.1392 of 2025

and C.M.P.No.11763 of 2025

The Chief Manager Legal,
The Oriental Insurance Company Limited,
Third Party claims Hub Oriental House,
2nd Floor, Prakasam Salai,
Broadway, Chennai

.. Appellants / 2nd Respondent

Vs.

1. Pushparaj
2. Kumar

..Respondent / Petitioner

..Respondent / 1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Award passed in M.C.O.P.No.426 of 2019 dated 28.01.2025 on the file of the learned Motor Accident Claims Tribunal, Subordinate Court, Panruti and be pleased to dismiss the above claim.

For Appellant : Mr.J.Chandran
For R1 and R2 : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal is preferred against the Award dated



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28.01.2025 made in M.C.O.P.No.426 of 2019 on the file of Motor Accident Claims Tribunal / Subordinate Court, Panruti, by the second respondent / Oriental Insurance Company Limited, Chennai, on the liability issue.

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

3. The learned counsel for the appellant would vehemently argue that the claimant travelled along with two persons in a motor cycle. Though FIR was registered against the lorry driver, the same was closed as mistake of fact which shows that it was because of the negligent driving of the claimant the accident occurred. But, the Tribunal without appreciating the above said details, fastened the liability upon the driver of the first respondent vehicle, namely lorry and only 10% contributory negligent was fixed upon the rider of the motor cycle, which is incorrect.

4. Despite the receipt of notice, the claimant neither appeared nor entered appearance through his Counsel

5. It has come on record through the evidence of P.W1 – Pushparaj that on 17.09.2016 at about 7.30 p.m., he was riding as pillion along with one Ramachandran and the motor cycle was driven by one Gnanasekar along Virudhachalam-Cuddalore main road towards north direction. When the



vehicle was nearing Sedapalayam market, a lorry bearing Registration No.TN 31 AB 6891 came in a rash and negligent manner and hit upon the motor cycle from behind and he sustained serious injuries.

6. As per Ex.P2 - FIR, a case was registered against the first respondent vehicle driver (lorry) in Crime No.613 of 2016 of Muthandikuppam Police Station.

7. On the respondents side, Special Sub Inspector of Police has been examined as R.W1. Through him, final report and the referred charge sheet notice were marked as Ex.C1 and Ex.C2. On behalf of the Insurance Company, no ocular witness was examined. Based on the testimony of P.W1 coupled with Ex.P2 - FIR, it was concluded that due to the rash and negligent driving of the driver of lorry the accident occurred, and the owner and insurer of the erred vehicle, namely respondents no.1 and 2 are saddled with liability to pay compensation to the injured claimant herein, which cannot be found fault with it. This Court does not find any perversity or infirmity in the findings of the Tribunal. This Court also does not find any good reason to upset the findings of the Tribunal.

18. In the result,



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(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.1,71,000/-** (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.426 of 2019 on the file of Motor Accident Claims Tribunal / Subordinate Court, Panruti, 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.

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

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WEB COPY

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



WEB COPY



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R. KALAIMATHI, J.

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