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CMA NO. 1877 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **23-07-2025**
CORAM
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA NO. 1877 of 2022
and CMP.No.13711 of 2022

National Insurance Company Ltd
Branch Office No.II, Jerome Building, 1st Floor,
Fort Station Road, Trichy 2.

Appellant(s)

Vs

- 1.Viruthambal
- 2.Minor Muthamizh
- 3.Minor. Inbakavi
- 4.Narayanaswamy

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, praying to set aside the decree and Judgement passed in MACT.OP.No.572 of 2017, dated 04.02.2020, on the file of the Motor Accidents Claims Tribunal, Principal District Court, Perambalur.

For Appellant(s)	: Mrs.N.B.Sureka
For Respondent(s)	: Mr.D.Ashok Kumar For R1to R3 Mr.S.P.Yuaraj For R4

JUDGEMENT

The appellant has filed this appeal to set aside the decree and judgement passed in MACT.O.P.No.572 of 2017, dated 04.02.2020, on the file of the Motor Accidents Claims Tribunal, Principal District Court,



Perambalur.



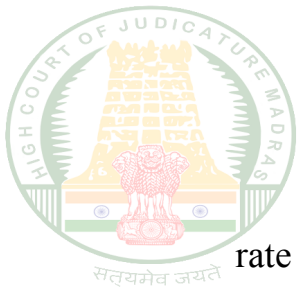
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2. The brief facts of the case as follows:

The accident occurred on 19.08.2017, at about 06:00 p.m., on the Veppur–Nannai Main Road, opposite to Kumar's house. According to the claimants, the deceased was walking from east to west on the extreme left-side mud road of the said road. At that time, a Splendor Plus two-wheeler bearing Registration No. TN-46-U-2079, belonging to the 4th respondent herein / 1st respondent and insured with the appellant herein / 2nd respondent, came from behind and was ridden in a rash and negligent manner, thereby dashing against the deceased. As a result of the impact, the deceased sustained fatal injuries and was first rushed to the Government Hospital, Perambalur, and thereafter admitted to the Government Hospital, Trichy, where he succumbed to his injuries on 20.08.2017.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.20,86,000/- as compensation, directing the appellant herein / 2nd respondent to pay the said amount to the claimants / respondents 1 to 3 along with interest at the

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rate of 7.5% per annum from the date of petition till the date of realisation.

4. Challenging the quantum of the award as well as the liability fixed, the insurance company has preferred this appeal.

5. The learned counsel for the respondents submitted that, before the Tribunal, the appellant had not adduced any contra evidence to prove the negligent driving of the rider of the two-wheeler.

6. Considering the fact that the appellant did not examine the rider of the two-wheeler or any other person to establish negligence on the part of the deceased, the grounds raised by the counsel for the appellant is not maintainable.

7. Therefore, the findings of the Tribunal are confirmed, and the appeal is dismissed accordingly. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(i) The appellant / National Insurance Company Ltd., Trichy -2, is



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directed to deposit the compensation amount awarded by the Tribunal, i.e., Rs.20,86,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the accident till the date of realization, to the credit of MCOP No. 572 of 2017 on the file of the Motor Accident Claims Tribunal (In the Court of the Principal District Judge), Perambalur, within a period of four weeks from the date of receipt or uploading of a copy of this order.

(ii). On such deposit being made by the appellant, the claimants / respondents 1 to 3 are at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

23.07.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To
1.The Motor Accidents Claims Tribunal, Principal District Court,
Perambalur.

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2.The Section Officer, VR-Section,
High Court of Madras.

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T.V.THAMILSELVI, J.

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