IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.08.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD).No.2337 of 2025

The Divisional Manager,
Shriram General Insurance Co. Ltd.,
No.27, Sundararaja Nagar,
Mudaliarpet, Puducherry. .. Petitioner

Vs.

1. Marimuthu
2. Anandhakumar .. Respondents

Civil Revision Petition (NPD) filed under Article 227 of the Constitution of India, praying to set aside the order dated 10.02.2025 made in M.C.O.P.No.211 of 2024 on the file of the Additional Motor Accidents Claims Tribunal, at Puducherry.

For petitioner : M/s.B.Siva Kollapan

For respondents: Mr.T.Ananthasekar for R-1

No appearance for R-2

ORDER

The revision petitioner/Insurance Company has filed the present Civil Revision Petition under Article 227 of the Constitution of India, challenging the order dated 10.02.2025 made in M.C.O.P.No.211 of 2024 on the file of the Additional Motor Accidents Claims Tribunal, Puducherry.

2. The first respondent/claimant had filed the said M.C.O.P. under Section 166(1)(a) of the Motor Vehicles Act, 1988, seeking compensation of Rs.21,00,000/- with interest and costs, on account of the injuries sustained by him in a road traffic accident which occurred on 10.04.2022 at about 11.00 a.m. at the Cuddalore–Puducherry Main Road and Karikkan Nagar Road junction, near Gramiyan Hotel, Cuddalore District, Tamil Nadu.

3. The case of the claimant is that, on the said date and time, while he was travelling as a pillion rider in a Hero Passion Pro motorcycle bearing Registration No.PY-01-BP-6590, ridden by one Ramadass, a Yamaha Cygnus Ray motorcycle bearing Registration No. PY-01-CT-9135 came in a rash and negligent manner and dashed against his motorcycle. As a result, the claimant sustained grievous injuries, including head injuries, fractures, and multiple lacerations. He

was initially treated at Arupadai Veedu Medical College and thereafter admitted at JIPMER Hospital, Puducherry. It is stated that he was hale and healthy prior to the accident, employed as a Security Officer in a private company after retirement from military service, and was earning Rs.23,000/- per month. On account of permanent disablement suffered, he sought compensation of Rs.21,00,000/- from the respondents.

4. The Insurance Company filed its counter denying the manner of accident, involvement of the insured vehicle, nature of injuries, and the income of the claimant. It also contended that the claim was excessive and not maintainable. The second respondent/owner of the Yamaha vehicle remained ex parte before the Tribunal.

5. The Insurance Company also filed an application under Section 170 of the Motor Vehicles Act, which was allowed on 31.01.2025, thereby permitting it to contest the claim petition on all grounds available to the owner of the vehicle.

6. During the enquiry, the claimant examined himself as P.W.1 and produced Exs.P-1 to P-8. On the side of the Insurance Company, the owner of the vehicle was examined as R.W.1, and its Senior Legal Executive was

examined as R.W.2. Ex.R-1 Insurance Certificate was marked. Based on the complaint lodged by Ramadass, FIR in Crime No.322 of 2022 was registered at Reddichavady Police Station, Cuddalore District, against the Yamaha vehicle, which was marked as Ex.P-1.

7. The Tribunal, on appreciation of the oral and documentary evidence, held that the accident had occurred due to the rash and negligent driving of the Yamaha motorcycle and awarded compensation of Rs.40,000/- with interest at the rate of 7% per annum from the date of filing of the claim petition till realization, with liberty to the Insurance Company to pay and recover.

8. Assailing the award, learned counsel for the petitioner/Insurance Company would submit that the rider of the motorcycle bearing Registration No.PY-01-BP-6590 did not possess a valid driving licence at the time of the accident, and further that the claim petition is barred by limitation since the accident occurred on 10.04.2022 but the claim petition came to be filed only on 18.01.2024. It is further submitted that in view of Section 166(3) of the Motor Vehicles Act, 1988, as amended by Act 32 of 2019 with effect from 01.04.2022, the claim ought to have been filed within six months from the date of accident, which condition has not been complied with. Learned counsel also placed

reliance on the judgment of this Court in Santhi and Others v. Suresh and Another, [C.R.P.(PD)No.4066 of 2022, decided on 07.12.2022], and finally contended that the principle of pay and recovery cannot be applied to the facts of the present case.

9. Per contra, learned counsel appearing for the first respondent/claimant supported the award and submitted that the Tribunal had rightly entertained the claim petition, having regard to the beneficial object of the legislation, and there is no infirmity warranting interference.

10. On careful consideration of the pleadings and the record, it is evident that the plea of limitation was never raised by the Insurance Company before the Tribunal. Though permission under Section 170 of the Motor Vehicles Act was granted and a counter was filed, no objection on limitation was taken.

11. The reliance placed on the decision in ***Santhi v. Suresh*** *(supra)* does not advance the petitioner's case. That was a case where the Tribunal itself had returned the claim petition on the ground of limitation, and this Court only confirmed such finding. In the present case, however, the Tribunal entertained the claim, conducted a full trial, and delivered an award on merits. The insurer,

having contested the matter on merits without any objection as to limitation, cannot be permitted to raise such a plea at this belated stage.

12. Coming to the issue of driving licence, it is not in dispute that the first respondent, who was the owner of the vehicle, was himself riding it at the time of the accident. The insurance policy issued by the petitioner was valid and in force on the date of accident. Since the accident occurred when the insured himself was riding the two-wheeler, this Court is of the considered view that the insurer cannot be absolved from its statutory liability.

13. In such circumstances, the Tribunal rightly directed the insurer to satisfy the award with liberty to recover, which balances the rights of the claimant and the insurer. Having regard to the facts and circumstances of the case, and the limited quantum of compensation awarded, this Court finds the said direction to be just and proper. It is, however, clarified that this reasoning is confined to the present case and shall not be treated as a precedent for any other matter.

14. For the aforesaid reasons, this Court finds no ground to interfere with the award passed by the Tribunal in exercise of powers under Article 227 of the

Constitution of India. Accordingly, this Civil Revision Petition stands dismissed. There is no order as to costs.

21.08.2025

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To

1. The Additional Judge, Motor Accidents Claims Tribunal, at Puducherry.

2. The Record Keeper, V.R.Section, High Court, Madras.

P.VELMURUGAN, J

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