



C.M.A.No.1523 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 12.11.2025

Pronounced on : 25.11.2025

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.No.1523 of 2023

and

C.M.P.No.15512 of 2023

TR.J.Singaravel

... Appellant / Petitioner

Vs

1.G.Thamilarasan

2.R.Aishwarya

3.The National Insurance Co. Ltd.,
Divisional Office,
No.18, Court Street,
Kumaran Road Near,
Tiruppur – 1.

4.Kovai Medical Centre and Hospital Limited,
Post Box No.3209, Avinashi Road,
Coimbatore – 641 014.



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5.The Commissioner of Police,
Coimbatore.

... Respondents / Respondents

R4 is suo motu impleaded vide Court order dated 10.11.2023 made in CMA No.1523 of 2023 by RSMJ & NSJ.

R5 is impleaded vide Court order dated 10.11.2023 made in CMA No.1523 of 2023 by RSMJ & NSJ.

This Appeal is filed under Section 173 of the Motor Vehicles Act, 1973, praying to set aside the judgment and decree made in M.C.O.P.No.1537 of 2015 dated 30.03.2023 on the file of the Exclusive Motor Accident Claims Tribunal, Tiruppur and award the compensation of Rs.45,00,000/- by allowing this appeal.

For Appellant : Mr.G.Ramesh

For Respondent : Mr.D.Bhaskaran for R3
No Appearance for R1,R2,R4

For R5 : Mr.Babu Muthu Meeran, APP



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JUDGMENT

Appeal filed by the claimant aggrieved by the dismissal of the claim petition filed before the Motor Accident Claims Tribunal at Tiruppur in M.C.O.P.No.1537 of 2015 dated 30.03.2023.

2.The petition filed seeking compensation of Rs.45,00,000/- for the alleged injury sustained by the claimant in the road accident. According to the claimant while he was riding his motor cycle bearing Registration No.TN-37-CX-2593 near Chellappampalayam Pirivu, Coimbatore to Avinashi Road, due to rash and negligent driving of the private bus bearing Registration No.TN-36-R-9797, which directly hit the petitioner causing grievous injury on spine and vertebrae, right brachial plexus, head and suffered fracture of right scapula and clavicle. Claiming that he was working as a Machine Operator earning Rs.30,000/- per month and due to injury, he is not able to continue his avocation, the claim petition filed against the owner and driver of the private bus and its insurer.



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3.The claim petition opposed by the Insurance Company stating that the entire averment in the claim petition is false. The First Information Report filed 52 days after the alleged accident is outcome of imagination and false accusation. The Insurance Company not liable to pay any compensation, since the injury alleged to have sustained by claimant is not due to any act on the part of the vehicle driver insured under the third respondent. The Court below framed the following points for determination:

“1.Whether the accident occurred only due to the rash or negligent driving by the 1st respondent?

2.Whether the petitioner sustained severe injuries in the accident?

3.Whether the respondents are liable to pay compensation to the petitioner? If so, to what quantum?

4.To what other reliefs?”

4.Claimant was examined as PW-1. He marked Exs.P1 to P14. Disability Certificate issued by the Medical Board marked as Ex.C1.



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5.The trial Court after considering the oral and documentary evidence found that the alleged date of accident being 18.05.2015, whereas the First Information Report (Ex.P1) in this case, registered only on 09.07.2015 nearly after two months of the accident. The reason for delay not properly explained. The discharge summary of the hospital, in which the petitioner first got admitted, does not disclose about any motor accident. Only in the third discharge summary, the details of accident is found and this document is an after thought, prepared for the purpose of claiming insurance.

6.The allegation in the claim petition that the 1st respondent driver was negligent and that he caused accident not proved by preponderance of probability. Ex.P8 which is the discharge summary indicates that it was an alleged history of road accident self fall from two wheeler. Contra evidence created after three months found to be unreliable. Hence, the claim petition dismissed by the learned Tribunal.

7.Being aggrieved, the appeal filed by the claimant stating that the Tribunal failed to properly appreciate Exs.P6 and P7 which would show that



the injury sustained by the claimant was due to the accident occurred when his two wheeler hit by the private bus directly. The trial Court ought not to have dismissed the claim for want of proof relating to the negligence of the bus driver on the ground of belated First Information Report. It has failed to take note of the fact that the claimant after injury fall unconscious and he was not able to lodge complaint due to his confinement in the hospital.

8.Per contra, the learned counsel appearing for the Insurance Company submitted that, if really it was a motor accident case, the hospital which treated the appellant would have informed the police immediately and the First Information Report would have been registered immediately. Since it was a self fall as found in the Ex.P8, same was not reported to the police. After two and half months of the accident, on advice, the complaint lodged by the complainant against the private bus insured under the 3rd respondent. Since the averment in the complaint not supported with document, the Tribunal has rightly dismissed the claim petition.

9.It was contended by the learned counsel for the appellant that pursuant to the direction of this Court, the private hospital which treated the



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claimant was asked to send the extract of the discharge summary. The said discharge summary send by the Hospital it is mentioned that the accident occurred due to collusion between a two wheeler and a bus. Hence, taking note of this and entries in the other two accidents, the claim petition should be entertained.

10.Heard the learned counsels appearing for the claimant as appellant and for the Insurance Company as 3rd respondent.

11.Mr.J.Singaravel, the appellant, in his claim petition had stated that on 18.05.2015 at about 4.00 P.M., he met with an accident when a private bus hit him. In the said accident, he sustained injury and was taken to Kovai Medical Center and Hospital Limited, Coimbatore. The First Information Report is dated 09.07.2015, the claimant is the informant about the accident alleged to have occurred on 18.05.2015 at 16.00 Hours. In the complaint, it is stated that he is working as Machine Operator in LMW – Unit - II. While he was proceeding to the work for his night shift in his two wheeler bearing Registration No.TN-37-CX-2593, the private transport bus bearing Registration No.TN-36-R-9797 driven by one Thamilarasan rash and



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negligently, in order to overtake a lorry, hit his two wheeler causing injury.

He informed his friend Sivakumar who came and took him to the hospital.

Only on 19.05.2015 he gained his conscious and thereafter, lodged the complaint. He further stated that he got discharged on 29.05.2015, but he did not give the complaint immediately since his health got deteriorated. The final report by the police on the complaint against Thamilarasan for the offence under Sections 279 and 338 IPC confirms the content of the First Information Report. However, the discharge summary issued by Kovai Medical Center and Hospital Limited dated 29.05.2015 does not disclose about the involvement of a bus in the road accident.

12.The case of the appellant is that, he was taken to the hospital by his friend Sivakumar, but he had not chosen to examine the said Sivakumar. The said Sivakumar is the best witness to speak about the accident. The second discharge summary by Kovai Medical Center and Hospital Limited is for the period between 22.06.2015 and 29.06.2015. In the discharge summary, the reason for admission is stated as complaint in moving the right upper limb, the history of road traffic accident fell down from bike on 18.05.2015. No indication to show that he was unconscious all along and came to know about the accident only on 09.07.2015 when he gave the complaint to the



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police.

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13.After lodging the complaint, the claimant had again got admitted in the Ganga Medical Centre Hospital on 20.08.2015. He was discharged on 26.08.2015. The discharge summary was marked as Ex.P10. In this third discharge summary, it is recorded that there was head on collision of a bus and the bike of the claimant.

14.The entries in the discharge summaries for the period subsequent to lodging the First Information Report and non-examination of the said Sivakumar who claim to have taken the claimant to the hospital clearly show that the claimant had not sustained injury in the manner in which he has pleaded in the claim petition.

15.When negligence and involvement of the private bus insured under the 3rd respondent Insurance Company is not established through plausible evidence, merely on the strength of Accident Report obtained belatedly and on the First Information Report given belatedly contrary to the entries found in the contemporaneous document duly maintained by the hospital authority,



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we hold that the dismissal of the claim petition by the Tribunal is absolutely in accordance with law and evidence. Hence, the appeal stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

(G.J.J) (M.S.K.J)

25.11.2025

smv

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

To

The Motor Accident Claims Tribunal, Tiruppur.



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DR. G.JAYACHANDRAN, J.
and
MUMMINENI SUDHEER KUMAR, J.

smv

Pre-delivery Judgment in
C.M.A.No.1523 of 2023
and
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