



WEB COPY

CMA No. 1731 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CMA No. 1731 of 2025, CMA NO. 1732 OF 2025,
CMA NO. 1737 OF 2025, CMA NO. 1738 OF 2025,
CMA NO. 1741 OF 2025 & CMA NO. 1744 OF 2025**

AND

**CMP NO. 15251 OF 2025, CMP No. 15258 of 2025,
CMP No. 15298 of 2025, CMP No. 15299 OF 2025,
CMP No. 15326 of 2025, CMP No. 15369 of 2025**

CMA No. 1731 of 2025

The United India Insurance Co Ltd
Divisional Office No.1, No.104-A,
Ranga Building, Peramanur Main Road,
Salem

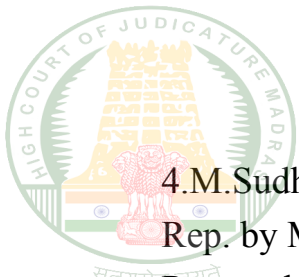
Appellant

Vs

1. Praveen @ Praveenraj

2.K.Ponnusamy

3.Kalaivani



4.M.Sudharsanan (minor)
Rep. by Mother Kalaivani, (the 1st
Respondent)

5.Meenakshi

6.New India Assurance Co. Ltd.
2nd Floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem

Respondents

CMA No. 1732 of 2025

The United India Insurance Co Ltd
Divisional Office No.1, No.104-A,
Ranga Building, Peramanur Main Road,
Salem

Appellant

Vs.

1. Anand @ Anandraj,

2.K.Ponnusamy

3.Kalaivani
W/o.Murugan, res at 49/112, 11th
Cross, Kesavan Nagar, Kannankurichi,
Salem District

4.M.Sudharsanan (minor)
Rep. by Mother Kalaivani, (the 1st
Respondent)



5.Meenakshi

6.New India Assurance Co. Ltd.

2nd Floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem

Respondents

CMA No. 1737 of 2025

The United India Insurance Co Ltd
Divisional Office No.1, No.104-A,
Ranga Building, Peramanur Main Road,
Salem

Appellant

Vs.

1. M.Paneerselvam

2.K.Ponnusamy

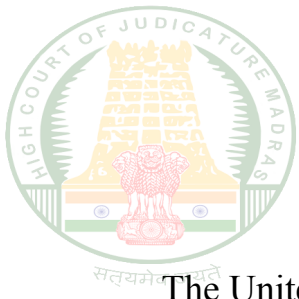
3.Kalaivani

4.M.Sudharsanan (minor)
Rep. by Mother Kalaivani, (the 1st
Respondent)

5.Meenakshi

6.New India Assurance Co. Ltd.
2nd Floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem

Respondent(s)



CMA No. 1738 of 2025

The United India Insurance Co Ltd
Divisional Office No.1, No.104-A,
Ranga Building, Peramanur Main Road,
Salem

Appellant

Vs.

1. M.Sudharsanam (Minor)
Rep.by NFG/Mother, Kalaivani,

2.K. Ponnusamy
S/o.Kalianna Gounder, Proprietor, TST
Bus Service,

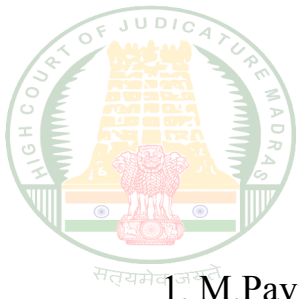
3.New India Assurance Company Ltd
2nd Floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem.

Respondent(s)

CMA No. 1741 of 2025

The United India Insurance Company
Limited,
Divisional Office No.1, No.104-A,
Ranga Building, Peramanur Main Road,
Salem.

Appellant



Vs

1. M.Pavithra (Minor),
Represented by NFG/Mother,
Kanchana,

2.K.Ponnusamy,
Son of Kalianna Gounder, Proprietor,
TST Bus Service, 1/64,
Narayanampalayam, Morur(PO),
Tiruchengode Taluk.

3.Kalaivani,

4.M.Sudharsanan (Minor)
Represented by Mother, Kalaivani,(the
1st Respondent),

5.Meenakshi,

6.New India Assurance Company
Limited,
2nd Floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem.

Respondents

CMA No. 1744 of 2025

The United India Insurance Company
Limited
Divisional Office No.1, No.104-A,
Ranga Building, Peramanur Main Road,
Salem

Appellant



Vs

1.Kalaivani

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2.M.Sudharsanan (minor)

Rep. by Mother Kalaivani, (the 1st
Respondent)

3.Meenakshi

4.Kaliappan

5.K.Ponnusamy

S/o.Kalianna Gounder, Proprietor, TST
Bus Service, 1/64, Narayanampalayam,
Morur PO, Tiruchengode Taluk

6.New India Assurance Co. Ltd.

2nd Floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem

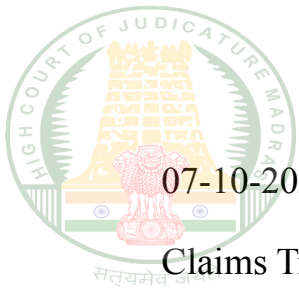
Respondent(s)

CMA No. 1731 of 2025

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow the above appeal and set aside the award and decree dated 07-10-2021 made in MACTOP.No.2160/2017 on the file of the Motor Accidents Claims Tribunal, (Special district Judge, MCOP Tribunal) Salem

CMA No. 1732 of 2025

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow the above appeal and set aside the award and decree dated



07-10-2021 made in MACTOP.No.1916/2017 on the file of the Motor Accidents Claims Tribunal, (Special district Judge, MCOP Tribunal) Salem.

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CMA No. 1737 of 2025

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to set aside the award and decree dated 07-10-2021 made in MCOP.No.1913 of 2017, on the file of the MACT(Spl.Dist.Judge) MCOP Tribunal, Salem.

CMA No. 1738 of 2025

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to set aside the Award and decree dated 07/10/2021 made in M.A.C.T.O.P. No. 1914 of 2017, on the file of the Motor Accidents Claims Tribunal, (Special District Judge, MCOP Tribunal), Salem

CMA No. 1741 of 2025

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow the above Appeal and set aside the Award and decree dated 07.10.2021 made in M.A.C.T.O.P.No.1914 of 2017, on the file of Motor Accidents Claims Tribunal, (Special District Judge, MCOP Tribunal), Salem.

CMA No. 1744 of 2025

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to set aside the Award and decree dated 07.10.2021 made in M.A.C.T.O.P.No.1912 of 2017, on the file of Motor Accident Claims Tribunal, (Special District Judge, MCOP Tribunal), Salem.



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CMA No. 1731 of 2025



For Appellants in Ms.R.Rathna Thara
all C.M.A.s:

For Respondents : Mr.Amar D.Pandiya For R1 in C.M.A.
Nos.1731, 1732, 1737, 1738, 1741 & 1744
of 2025

Mr.J.Chandran For R6 in C.M.A. Nos.1731,
1732, 1737, 1741 & 1744 of 2025 and for
R3 in C.M.A.No. 1738 of 2025

Mr.Amar D.Pandiya For R1 to R4 in
C.M.A.No.1744 of 2025

COMMON JUDGMENT

Challenging the impugned common award passed by the Motor Accident Claims Tribunal, Special District Judge, Salem in MCOP Nos.2160, 1916, 1915, 1913, 1914 & 1912 of 2017, dated 07.10.2021 respectively, the appellant/2nd respondent insurance company preferred these Civil Miscellaneous Appeals.

2.The case of the respondents/petitioners is that on 15.12.2016 at about 01.15 p.m. when the passengers were travelling in a car bearing Regn. No. TN-30 AB-1524 near Perunadu Village Ponnambara near Pilamthode, the bus



bearing Regn. No. TN-19-A-8521 was driven by its driver in a rash and negligent manner came in the opposite direction and hit against the car. Due to which, passengers have sustained grievous injuries, in which one of passenger died and other passengers suffered injuries and they underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed compensation respectively payable under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4. The Insurance Company aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeals before this Court.

5. The learned counsel for appellant argues that the tribunal failed to take note of the fact that the respondents, who are occupants of a car travelled at the



time of accident, in which driver of a car also had negligence, but suddenly stopped the car in the middle of the road, due to which, the accident was happened, but the tribunal had fixed the entire liability upon the 1st respondent. Hence, he prayed to set aside the liability fixed upon the 2nd respondent insurance company, who is appellant herein.

6. The learned counsel for respondents would submit that one of the petitioner preferred an appeal in C.M.A.No.528 of 2023 challenging the impugned award passed in MCOP.No. 1913 of 2017, wherein the appellant also appeared, but not raised any objections with regard to liability. Therefore, the award was enhanced and confirmed the liability. Subsequently, they have preferred these Civil Miscellaneous Appeals as such is not maintainable. To that effect, he produced the copy of judgment passed by this court in CMA.No.528 of 2023.

7. On perusal of judgment passed by this court, it reveals that this Court enhanced the compensation and confirmed the liability of the appellant insurance company though they have appeared through their counsel. Therefore at the earliest point of time, they have not raised objections in respect of liability



fixed upon them. Furthermore, before the Tribunal, the appellant insurance company has not adduced any material evidence to prove the manner of accident as they alleged. They have examined only R.W.1 and R.W.2, but no contra evidence adduced that driver of car also driven the vehicle in a negligent manner and stopped the vehicle in the middle of the road. Therefore, the negligence pleaded by the appellant insurance company is not proved, without which this Court is not inclined to fix the liability on the car. Therefore, the Civil Miscellaneous Appeals filed by the appellant insurance company are liable to be dismissed. Accordingly, all the Civil Miscellaneous Appeals are dismissed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

09-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special District Court, Salem.

2. Section Officer, VR Section, Madras High Court.



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CMA No. 1731 of 2025



T.V.THAMILSELVI J.

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1737, 1738, 1741 & 1744
of 2025**

09-07-2025

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