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CMA No. 3177 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3177 of 2024

AND

CMP NO. 26362 OF 2024

1. M/s Chola Ms General Insurance
Company Ltd.,
No.2, NSC Bose Road, Dare House,
2nd Floor, Chennai-600 001

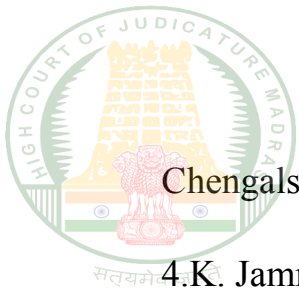
Appellant(s)

Vs

1. R.Tamil Selvi
W/o. Late Ravi, Residing at
Chengalsulaimedu Village, Elavoor,
Gummidipoondi Taluk, thiruvallur
District-601 201

2.Minor R.Selvaganapathy
(Minor Rep by her mother Natural
Guardina 1st petitioner R.Tamilselvi),
S/o. Late Ravi, Residing at
Chengalsulaimedu Village, Elavoor,

3.Minor.R.Kalaivani
D/o. Late Ravi, Minor Rep by her
mother and Natural Guradian 1st
petitioner R.Tamilselvi, Residing at



Chengalsulaimedu Village, Elavoor,

4.K. Jammal

WEB S/o. Kamal Basha, O.No.20, N.No.4,
St. Marys 2nd St, Gummidipoondi Tk,
Thiruvallur 601 201.

Respondent(s)

CMA No. 3177 of 2024

PRAYER

To prefer this Memorandum of CMA before this Honourable Court against the Judgment and Decree dated 18-04-2024 made in MCOP.No.554/2019 on the file of the Motor Accident Claims Tribunal, IV Additional district and Sessions Court, Tiruvallur at Ponneri

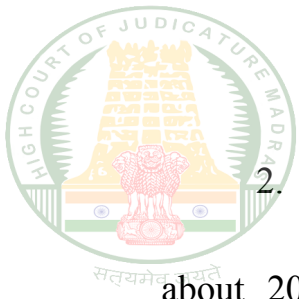
CMA No. 3177 of 2024

For Appellant(s): Mrs.R.Sree Vidhya

For Respondent(s): Ms S R Suga For R1 To 3 Batta
Due R4

ORDER

This petition has been filed against the Judgment and Decree dated 18-04-2024 made in MCOP.No.554/2019 on the file of the Motor Accident Claims Tribunal, IV Additional district and Sessions Court, Tiruvallur at Ponneri.



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2. The learned counsel for the appellant submits that on 20.07.2017 at about 20.30 hours the deceased was proceeding in a motorcycle bearing registration No. TN 18 E 4691 from Sunnambukulam to Chengalsulaimedu, without noticing foregoing mini lorry bearing registration No. TN 18 E 4691 with rash and negligent manner dashed against the lorry, therefore the accident was solely happened due to the negligence of the deceased. But without taking note of the above fact the tribunal fixed entire negligence upon the driver of the lorry and fixed liability upon the appellant company. Hence, he prays to set aside the award passed by the tribunal.

3. The learned counsel for the claimants submit that driver of the mini lorry has deposed that the accident was happened due to his negligence and also the appellant has not filed any contra evidence before the Tribunal to prove negligence of the deceased. Therefore, the tribunal rightly passed the award which needs no interference.

4. Heard both sides.

5. Considering the fact that at the time of the accident deceased was riding his two wheeler. According to the claimant, the driver of the lorry



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stopped the lorry by applying the brake suddenly due to which deceased hit behind the mini lorry fell down sustained injuries and died on the way to the hospital. Therefore, FIR was registered against the driver of the mini lorry at 08.30 p.m accident was happened. Admittedly, two wheeler ridden by the deceased hit behind the mini lorry and he fell down and sustained injuries. The insurance company has not produced any evidence before the tribunal to prove the negligence of the deceased. Therefore, the tribunal has rightly passed award which needs no interference. The appellant is directed to deposit the award passed by the tribunal within a period of four weeks from the date of receipt of a copy of this judgement. Accordingly, this appeal is dismissed. No Costs. Pending petition(s), if any, is/are closed.

26-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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