



C.M.A.No.3102 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.3102 of 2025

and

CMP.No.26151 of 2025

The Manager,
Sriram General Insurance Co., Ltd.,
1st Floor, No.5, Ramachandran Street,
Saravanan Nagar, Seevaram, Perungudi,
Chennai 96.

... Appellant

vs.

1.Mookayi
2.Perumal
3.Jayaraman

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the Order and Decretal order dated 20.02.2025 passed in M.C.O.P.No.256 of 2015 on the file of the Motor Accident Claims Tribunal, Special District Court,Villupuram.

For Appellant : Mr.Siva Kollapan.B



C.M.A.No.3102 of 2025

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JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the Award dated 20.02.2025 made in M.C.O.P.No.256 of 2015 on the file of Special District Court (to deal with MCOP cases) Villupuram as regards the liability.

2. The learned counsel for the appellant-Insurance Company would contend that the deceased Kaliyan travelled in the goods carriage vehicle which is insured with the appellant and he travelled as an unauthorised person, therefore, he is not covered under the policy.

3. P.W.1 is the deceased's son Perumal would state that in order to sell the cattle, his father travelled in the said vehicle and he accompanied his father. On the side of the Insurance Company , driver of the goods carriage vehicle has been examined as RW2(i.e. Jayaraman S/o.Mottaiyan). The evidence of RW2, driver of the goods



C.M.A.No.3102 of 2025

carriage vehicle at the relevant point of time, shows that the owner of the cattle Kaliyan, his son Perumal and Kaliyan's cousin brother Komuti travelled in the said vehicle. He would further state that when the vehicle was turned topsy-turvy, the cabin door opened and the deceased Kaliyan was thrown out from the vehicle and the vehicle fell on him and he succumbed to the injuries. Therefore, it is made clear that through the evidence of P.W.1 and RW2, who are ocular witnesses, that the deceased Kaliyan, as the owner of the goods, had travelled in the said vehicle.

4. Therefore, as per Section 147(1)(b)(ii) of the Motor Vehicles Act, 1988, the insurance company is not permitted to raise such defence in this regard and it is liable to honour the policy.

5. This Court also does not find any infirmity or perversity in the findings of the Tribunal. Hence, this Civil Miscellaneous Appeal stands rejected in the admission stage itself.

6. In the result,



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C.M.A.No.3102 of 2025

(i) The Civil Miscellaneous Appeal stands dismissed.

(ii) Sequel to this, the Award dated 20.02.2025 passed by the Motor Accident Claims Tribunal, Special District Court (to deal with MCOP cases) Villupuram, in M.C.O.P.No.256 of 2015 stands confirmed.

iii) The Appellant / Insurance Company is directed to deposit the award amount i.e., **Rs.9,41,200/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit (excluding the period of default, if any) and costs to the credit of M.C.O.P.No.256 of 2015 on the file of Special District Court, (to deal with MCOP cases) Villupuram, within a period of eight weeks from the date of receipt of a copy of this Judgment.

R.KALAIMATHI.J

kkd

(iv) On such deposit being made, the



C.M.A.No.3102 of 2025

respondents/claimants are at liberty to withdraw the same as per apportionment made by the Tribunal along with interest and costs after adjusting the amount, if any already withdrawn by filing necessary application before the Tribunal.

v)There is no order as to costs. Consequently, connected miscellaneous petition if any, stands closed.

30.10.2025

Index : Yes/No
Speaking / Non-speaking order
kkd

To:

The Motor Accident Claims Tribunal,
Special District Court, Villupuram.

C.M.A.No.3102 of 2025