



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:04.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1559 of 2025
and
C.M.P.Nos.13777 & 15735 of 2025

Shriram General Insurance Co., Ltd.,
Plot No.5, 1st floor, Ramachandran Street, Saravana Nagar
Seevaram, Perungudi, Chennai 600 006. ...Appellant
Vs.

1.Iyyappan
2.Chinnamuthu ...Respondent
(R2 remained exparte before the Tribunal)

Prayer: This Civil Miscellaneous Appeal is are filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 23.04.2024 made in M.C.O.P.No.4282 of 2019 on the file of Motor Accidents Claims Tribunal, V Court of Small Causes, Chennai.

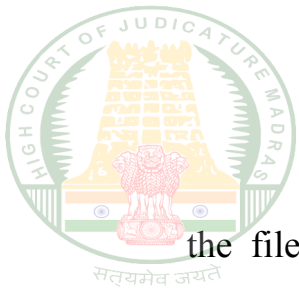
For Appellant : Mrs.R.Sree Vidhya

For Respondents : Mr.S.Ravikumar for R1
Notice dispensed with for R2

JUDGMENT

This appeal has been filed by the appellant/Insurance Company seeking to set aside the award dated 23.04.2024 passed by the Motor Accident Claims Tribunal (V Small Causes Court, Chennai) in MCOP.No.4282 of 2019.

2. The appellant is the 2nd respondent in M.C.O.P.No.4282 of 2019 on



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the file of the Motor Accident Claims Tribunal, (V Small Causes Court, Chennai). The claimant/1st respondent filed the above said claim petition claiming a sum of Rs.40,00,000/- as compensation for the injuries sustained by him in the accident that took place on 16.06.2019.

3. The Tribunal considering the pleadings, oral and documentary evidences held that the accident occurred only due to rash and negligent driving by the driver of the cab and insured with the appellant-Insurance Company and directed the appellant, to pay a sum of Rs.15,18,900/- as compensation to the 1st respondent.

4. Aggrieved against the said award, the appellant / Insurance Company has come out with the present appeal.

5. The learned counsel appearing for the appellant / Insurance Company contended that the Tribunal erred in holding that the appellant to pay compensation and granting liberty to them to recover the award amount from the owner of the vehicle. The Tribunal failed to appreciate the fact that the claimant should not drive the motor vehicle without driving license and thereby he committed breach of policy condition. The Tribunal has passed the award as against the owner of the vehicle alone and the same ought to have dismiss the claim against the appellant. The Tribunal failed to appreciate that



the claimant not even filed his driving license to prove his avocation as driver and it has erred in adopting the multiplier method and granting a sum of Rs.13,00,320/- for loss of earning capacity. The Tribunal failed to appreciate that the nature of injuries and no disability case, the other non-conventional were grossly exaggerated for the purpose of the case. The Tribunal has erred in holding the appellant is liable to pay compensation and recover from the owner of the vehicle. Hence, he prayed for setting aside the award passed by the Tribunal.

6. Per contra, the learned counsel appearing for the 1st respondent contended that the driver of the cab drove the vehicle in a rash and negligent manner and dashed against the claimant's Honda, due to which the 1st respondent sustained multiple injuries all over the body. The accident occurred only due to rash and negligent driving by the 2nd respondent/driver of the cab and insured with the appellant/Insurance Company. The Tribunal has granted only a sum of Rs.15,18,900/- as compensation and the same is not excessive and prayed for dismissal of the appeal.

7. Heard the learned counsel for the appellant as well as the 1st respondent and perused the entire materials on record.

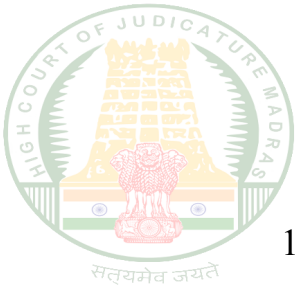
8. Upon perusing the materials available on record, on going through



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the manner of the accident, it is found that at the time of the accident, the license of the vehicle was not renewed and only thereafter the license was renewed. But the Tribunal after perusing Ex.R1 and Ex.R2, stating that at the time of accident, the driver of the cab did not have valid driving license, it is purely violation of policy. However, there is no dispute regarding the negligence of the driver that if a person drives a vehicle without a license, he commits offence same, by itself, may not lead to a finding of negligence as regarding accident. The Tribunal has taken into consideration the validity of the license, has awarded reasonable compensation and also directed the appellant to pay compensation with liberty to recover the same from the owner of the vehicle under pay and recovery method. Therefore, the award granted by the Tribunal needs no interference in respect of violation on the side of the 1st respondent since there is no negligence on the part of the claimant/1st respondent. Hence the ground raised by the appellant in respect of pay and recovery is not sustainable. There is no error in the above finding of the Tribunal warranting interference by this Court.

9. As far as quantum of compensation is concerned, the Tribunal has awarded a total sum of Rs.15,18,900/- as compensation for the injuries sustained by the 1st respondent, which is not excessive.



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10. In the result, this Civil Miscellaneous Appeal is dismissed and sum of Rs.15,18,900/- (Rupees Fifteen Lakhs and Eighteen Thousand and Nine Hundred only) awarded by the Tribunal as compensation to the 1st respondent, along with interest and costs, is confirmed. The appellant-Insurance Company is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant/1st respondent is permitted to withdraw the award amount, less the amount already withdrawn, if any, by filing necessary applications before the Tribunal.

11. In the result, this Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

04.08.2025
(2/2)

Index : Yes /No
Speaking/Non-speaking Order:Yes/No

T.V.THAMILSELVI,,J



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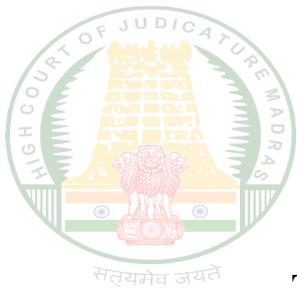
1.The Motor Accident Claims Tribunal,
V Court of Small Causes, Chennai

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

C.M.A.No.1559 of 2025 and
C.M.P.Nos.13777 & 15735 of 2025

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ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant.



WEB COPY 2. It is brought to the notice of this Court that some typographical error

has been crept in Paragraph Nos.9 and 10 of the Order dated 04.08.2025.

The said Paragraph No.9 and 10, are to be replaced as follows:

9. As far as quantum of compensation is concerned, the Tribunal has awarded a total sum of Rs.15,18,900/- as compensation for the injuries sustained by the 1st respondent. This Court in C.M.A.No.476 of 2025 has enhanced the compensation to Rs.18,83,000/-

10. In the result, this Civil Miscellaneous Appeal is dismissed the and the appellant-Insurance Company is directed to deposit the enhanced compensation of Rs.18,83,000/- awarded by this Court in C.M.A.No.476 of 2025 along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant/1st respondent is permitted to withdraw the award amount, less the amount already withdrawn, if any, by filing necessary applications before the Tribunal.

3. Registry is directed to make out the necessary correction in the order copy and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 04.08.2025 shall remain unaltered.

25.08.2025

Index : Yes /No



Speaking/Non-speaking Order: Yes/No

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T.V.THAMILSELVI.,J

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