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CMA No.1012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1012 of 2024
and CMP.No.9307 of 2024

The Branch Manager,
M/s.Reliance General Insurance Co. Ltd.,
No.181/2, First Floor, AVS Towers, Next to Srinivasa Motors,
Rs.No.181/12, 100 feet Road, Sundararaja Nagar, Mudaliarpet,
Puducherry.

... Appellant

Vs.

1.Latha
2.Gobinath
3.Priyanka
4.Venkatesan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the decree and judgment dated 13.06.2023, passed in MCOP.No.1147 of 2018, by the learned Motor Accident Claims Tribunal, III Additional District Judge, Puducherry.

For Appellant : Mr.C.Bhuvanasundari



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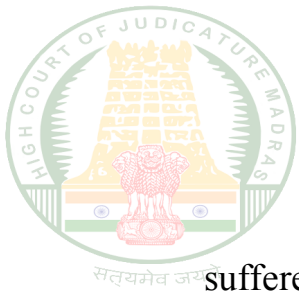
For R1 to R3 : Mr.R.Sreedhar

For R4 : Notice Dispensed with

JUDGMENT

The appellant has filed this appeal praying to set aside the decree and judgment dated 13.06.2023, passed in MCOP.No.1147 of 2018, by the learned Motor Accident Claims Tribunal, III Additional District Judge, Puducherry.

2. The brief facts of the case are as follows: On 30.07.2018 at about 8.40 a.m. The deceased was driving his auto bearing Reg.No.PY-01-CD-0058, carrying Achariya School students on their regular school trip to Achariya School. While proceeding on Puducherry Thengai Thittu Main Road from West to East, a Pulsar motorcycle bearing Reg.No.PY-01-CP-1524, driven by one Venkatesan, came in a rash and negligent manner and suddenly turned to the right. Due to the sudden turn, the deceased, who was driving the auto, collided with the motorcycle, causing the auto to capsize along with its driver and the school students. As a result, the deceased sustained severe head injuries, and the school students also



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suffered multiple injuries. The deceased succumbed to the injuries on 03.08.2018 due to the head injury.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.17,91,000/- as compensation, directing the insurance company to pay the said amount to the claimants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant / insurance company has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant / insurance company challenged the award passed by the Tribunal only with regard to the entire liability fixed upon the Insurance Company, without considering the fact that there was a violation of the policy conditions on the part of the rider of the two-wheeler involved in the accident.



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6. According to the counsel, the rider did not possess a valid driving licence, and was holding only a Learner's Licence (LLR). To that effect, a charge sheet was also filed against the rider of the two-wheeler under Sections 3 and 181 of the Motor Vehicles Act.

7. Since there was a violation of the policy conditions, as the rider was holding only an LLR and not a valid driving licence for a two-wheeler, the principle of “Pay and Recovery” is ordered. The other findings and award passed by the Tribunal are confirmed.

8. In view of the above, the Civil Miscellaneous Appeal is disposed of. Consequently, the connected Miscellaneous petition is closed. There shall be no order as to costs.

25.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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1. The Motor Accident Claims Tribunal, III Additional District Judge, Puducherry.
2. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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