



WEB COPY

CMA No. 2982 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2982 of 2023

1. V. Sasi

W/o. Veeraraghavan, No.118, VOC
Street, Kamaraj Nagar, New
Paleengalathur, Chennai 063.

Appellant(s)

Vs

1. PARTHIBAN

No.118, VOC Street, Kamaraj Nagar,
New Paleengalathur, Chennai 063.

2.United India Insurance Co.Ltd.

No. 134, Greams Road, Chennai 006.

Respondent(s)

CMA No. 2982 of 2023

PRAYER

To against the award of the Motor Accidents Claims Tribunal III Judge, Small Causes Court, Chennai and made in MCOP No. 1080/2014 dated 09.03.2023.



CMA No. 2982 of 2023

For Appellant(s): Mrs.P.T.Saleem Fathima

For Respondent(s): Mr.S.Arunkumar For R2 R1 -
Notice Not Necessary

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the award of the Motor Accidents Claims Tribunal III Judge, Small Causes Court, Chennai and made in MCOP No. 1080/2014 dated 09.03.2023.

2. The brief facts of the case:

On 09.02.2014 at about 16.00 hours the claimant was travelling as pillion rider in motorcycle bearing registration No. TN 11 D 0086 at Puzhal to Tambaram in bypass Road opposite to Ambattur Estate India Land from North to South direction. At that time, the rider of the motorcycle drove the vehicle with excessive speed and hit on unknown vehicle and thus caused grievous injuries to the claimant. Thereafter, the claimant filed the petition before the tribunal claiming compensation and second respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal held that first respondent is not the cause for the accident and also rash and negligent driving of the first respondent is not proved by the petitioner.



Accordingly, dismissed the petition. Aggrieved over the same, the claimant filed this appeal.

3. The learned counsel for the appellant submits that at the time of the accident the appellant was pillion rider in the motorcycle belongs to the first respondent, rider of the motorcycle driven the motorcycle in a rash and negligent manner due to which the appellant fell down sustained injuries but the Tribunal has erroneously dismissed the petition stating that as per FIR the accident was happened due to one unknown vehicle as such is totally erroneous. Hence, he prays to allow this appeal.

4. The learned counsel for the respondent submits that as per FIR, the accident was happened due to the rash and negligence driving of the unknown TATA Ace vehicle but without preferring petition against said TATA Ace vehicle the claimant filed the petition against their own vehicle. Therefore, the Tribunal rightly dismissed the petition which needs no interference.

5. As per the learned counsel for the appellant the tribunal has failed to take note of the fact that accident was happened only due to the rash and negligent driving of the first respondent, hence the tribunal ought to have fixed



entire negligence upon the first respondent and ought to have held that second respondent/Insurance Company is liable to pay the compensation. Further, he contend that, the tribunal restricting itself to contents of the FIR.

6. Heard both sides and perused material available on record.

7. On perusal of FIR, wherein the appellant had stated that TATA Ace vehicle was hit against his motorcycle. Therefore, as per the recitals of FIR two wheeler was hit by the TATA ACE vehicle, now the appellant claimed that accident was happened due to rash and negligence of the driver of the motorcycle. However, to prove the manner of the accident the appellant neither produced the Motor vehicle report nor taken any steps to examine rider of the two wheeler/first respondent(petitioner's son). The appellant has failed to prove the manner of the accident and negligence of the rider. Further, as rightly argued by the respondent counsel the appellant cannot approbate and reprobate. The Tribunal has rightly passed the order which needs no interference.

8. Accordingly, this Civil Miscellaneous Appeal is dismissed. No Costs.

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T.V.THAMILSELVI J.

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To

1. The Motor Accidents
Claims Tribunal III Judge,
Small Causes Court,
Chennai
2. The Section officer, V.R
Section, High Court,
Madras.

CMA No. 2982 of 2023

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