



CMA(MD)Nos.562/2020,
167/2021 and 487 & 488/2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2025

CORAM :

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**CMA(MD)Nos.562 of 2020, 167 of 2021 and 487 & 488 of 2022
and
CMP(MD)No.4255 and 4258 of 2022**

CMA(MD)No.562 of 2020 :

1. Kaleeswari

Samikalai (died)

2. Satheesh Kumar

3. Jegamalai

... Appellants

Vs.

1. Prabhavathy

2. The Manager,

Future General India Insurance Company Ltd.,

1st, 2nd, 3rd floor

55(27) Vijay Raghava Road,

T.Nagar, Chennai-600 017.

... Respondents

Prayer :- This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award amount passed in M.A.C.O.P.No.837 of 2013 on the file of the Motor Accident Claims Tribunal (Additional District Judge), Dindigul, dated 09.02.2019



CMA(MD)Nos.562/2020,
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by allowing this appeal.

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For Appellants : Mr.A.Saravanan
For R2 : Ms.K.R.Shiva Shankari

CMA(MD)No.167 of 2021 :

1. Dhanalakshmi
2. Manoharan ... Appellants

Vs.

1. Prabhavathy
2. The Manager,
Future General India Insurance Company Ltd.,
1st, 2nd, 3rd floor
55(27) Vijay Raghava Road,
T.Nagar, Chennai-600 017. ... Respondents

Prayer :- This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award amount passed in M.A.C.O.P.No.728 of 2013 on the file of the Motor Accident Claims Tribunal (Additional District Judge), Dindigul, dated 09.02.2019 by allowing this appeal.

For Appellants : Mr.A.Saravanan
For R2 : Ms.K.R.Shiva Shankari



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CMA(MD)No.487 of 2022:

The Manager,
Future General India Insurance Company Ltd.,
1st, 2nd and 3rd Floor, Plot No.55
(Old Plot No.27)
Vinaya Raghava Road,
T.Nagar, Chennai-600 017.

... Appellant

Vs.

1. Dhanalakshmi
2. Manoharan
3. Prabhavathy

... Respondents

Prayer :- This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the fair and decretal order dated 09.02.2019 made in MCOP.No.728 of 2013 on the file of Motor Accident Claims Tribunal (Additional District Judge), Dindigul and allow this civil miscellaneous appeal.

For Appellants : Ms.K.R.Shiva Shankari
For R1 & R2 : Mr.A.Saravanan

CMA(MD)No.488 of 2022:

The Manager,
Future General India Insurance Company Ltd.,
1st, 2nd and 3rd Floor, Plot No.55
(Old Plot No.27)
Vinaya Raghava Road,
T.Nagar, Chennai-600 017.

... Appellant



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Vs.

1. Kaleeswari

Samikalai (died)

2. Satheesh Kumar

3. Jegamalai

4. Prabhavathy

... Respondents

Prayer :- This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the fair and decreetal order dated 09.02.2019 made in MCOP.No.837 of 2013 on the file of Motor Accident Claims Tribunal (Additional District Judge), Dindigul and allow this civil miscellaneous appeal.

For Appellants : Ms.K.R.Shiva Shankari
For R1 to R3 : Mr.A.Saravanan

COMMON JUDGMENT

(Judgment of the Court was made by **P.VELMURUAN, J.**)

Seeking to set aside the fair and decreetal order dated 09.02.2019 made in MCOP.Nos.728 and 837 of 2013 on the file of Motor Accident Claims Tribunal (Additional District Judge), Dindigul, the



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insurance company has filed CMA(MD)Nos.487 and 488 of 2022.

Seeking to enhance the compensation awarded by the Tribunal, the claimants in MCOP.Nos.728 and 837 of 2013 have filed CMA(MD)Nos. 562 of 2020 and 167 of 2021.

2. The learned counsel for the insurance company would submit that one Ramesh filed a claim petition in MCOP.No.804 of 2013 before the Motor Accidents Claims Tribunal / Chief Judicial Magistrate Court, Perambalur, against the driver of the Car bearing registration No.TN-10-Q-5085 involved in the very same accident and also its insurance company, where the Tribunal by order dated 09.11.2018, held that the accident occurred due to contributory negligence and fixed 50% of negligence on the driver of the Car. Thus the learned counsel would submit that in these cases also, the negligence is to be fixed as 50 : 50.

3. On a reading of the copy of the award produced by the learned counsel for the appellant in MCOP.No.804 dated 09.11.2018 shows that neither the claimants nor the insurance company of the Lorry were impleaded as party in the said MCOP. However, the insurance



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company filed an impleading petition in the said MCOP and the same came to be dismissed and subsequently the award dated 09.11.2018 was passed in MCOP.No.804 of 2020. There cannot be two views regarding fixation of liability for the very same accident. Since both the insurance company of the Lorry and the claimants were not added as parties in the MCOP.No.804/2013, the decision rendered in the said MCOP will not bind them.

4. Thus, in the interest of justice and in order to avoid conflicting decisions and also to give opportunity to the parties to agitate the matter before the Tribunal, the fair and decreetal order passed in MCOP.Nos.728 and 837 of 2013 dated 09.02.2019 is set aside and the matter is remitted to the Tribunal to decide the matter afresh after impleading the parties mentioned in MCOP.No.804 of 2013. The Tribunal shall dispose of the claim petitions in MCOP.Nos.728 and 837 of 2013 within a period of six months from the date of receipt of a copy of this judgment.



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5. With the above direction, all the Civil Miscellaneous Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[P.V, J.] [L.V.G, J.]
06.11.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

The Judge,
Motor Accident Claims Tribunal/
Chief Judicial Magistrate Court,
Madurai.



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P.VELMURUGAN, J.
AND
L.VICTORIA GOWRI, J.

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COMMON JUDGMENT MADE IN
CMA(MD)Nos.562 of 2020,
167 of 2021 and 487 & 488 of 2022

DATED : 06.11.2025