



C.M.A(MD)No.1298 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MRS.JUSTICE N.MALA**

**C.M.A(MD)No.1298 of 2024
and C.M.P(MD)No.13878 of 2024**

The National Insurance Company,
Branch No.1, Mahalakshmi Nivasham,
Opposite to Kiruba Hospital Road,
Kumarasampatti, Salem – 7.
Through the Branch Manager.
(Policy No.65030231201000142)

... Appellant/2nd Respondent

Vs.

1.Yaku

2.Britto Arockiya Selvi

... Respondents 1 & 2/
Petitioners 1 & 2

3.Indiran

... 3rd Respondent/
1st Respondent

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree in M.C.O.P.No.06 of 2021 dated 31.10.2023 on the file of the Motor Accident Claims Tribunal, Principal District Court, Sivagangai.



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For Appellant : Mr.D.Sivaraman
For RR 1 & 2 : Mr.N.Madhava Govindan

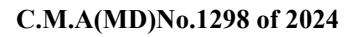
JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This Civil Miscellaneous Appeal is directed as against the Judgment and Decree passed by the Motor Accident Claims Tribunal, Principal District Court, Sivagangai in M.C.O.P.No.06 of 2021 dated 31.10.2023.

2.The respondents 1 and 2 are the claimants and the third respondent is the owner of the offending vehicle. The appellant herein is the insurer of the third respondent's vehicle.

3.On 24.11.2020 at about 00.30 hours, the deceased was riding a Honda Shine motorcycle bearing Registration No.TN-54B-2956 on the Salem to Athur Highways road from east to west. When he was nearing Mettupatty E.B Power House, the third



4. In support of the claim petition, PW1 and PW2 were examined and Exs.P1 to P11 were marked. On the side of the respondents, RW1 and RW2 were examined and Exs.X1 and X4 were marked.



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5.On perusal of the oral and documentary evidence, the Tribunal allowed the claim petition and awarded a sum of Rs.22,81,000/- as compensation payable by the appellant herein. Aggrieved by the same, the present Appeal has been filed.

6.The learned counsel appearing for the appellant submitted that the accident occurred due to composite negligence on the part of both the vehicles and therefore, the entire liability ought not to have been fastened as against the appellant. Even as per the F.I.R, the deceased was riding his motorcycle and dashed as against the motorcycle insured with the appellant, which was being driven in front of the deceased's vehicle. Further, the deceased did not even wear a helmet at the time of accident, which has eventually led to his death. The deceased also did not possess a valid driving licence to drive the motor cycle. Therefore, the respondents 1 and 2 are not entitled to any compensation.



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7. On perusal of the records and the submissions made by the respondents 1 and 2, it is revealed that admittedly, when the offending vehicle was driven by the third respondent in front of the deceased's vehicle, it suddenly turned towards the left side without any signal. Therefore, the deceased could not stop his vehicle abruptly and dashed against the offending vehicle. As a result, he fell down and sustained grievous injuries. The First Information Report was also registered as against the driver of the third respondent's vehicle and he was charged for the offences punishable under Sections 279 and 304(A) of IPC. Insofar as the quantum of compensation is concerned, the deceased was aged about 22 years at the time of accident and was studying final year (Mechanical Engineering Course) at Sri Sakthi College Engineering, Coimbatore. Hence, the accident occurred solely due on the rash and negligent driving of the third respondent and the appellant, being the insurer of the third respondent's vehicle, is liable to pay the compensation.



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Therefore, there is no question of contributory negligence on the part of the deceased in causing the accident.

8.The Tribunal rightly applied the multiplier method and followed the procedure laid down by the Hon'ble Supreme Court of India in the case of *Sarla Verma and others Delhi Transport Corporation and another [2009 (2) TN MAC 1 (SC)]* and in the case of *National Insurance Company Limited Vs. Pranay Sethi and others [2021 (2) TN MAC 639 (SC)]*, and awarded compensation to the tune of Rs.22,81,000/- with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. Out of the total award amount, the first respondent is entitled for a sum of Rs.11,41,000/- and the second respondent is entitled for a sum of Rs.11,41,000/-. Therefore, this Court finds no infirmity or illegality in the award passed by the trial Court and as such, it does not require any interference by this Court.



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9.In fine, the award passed in M.C.O.P.No.06 of 2021 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Sivagangai, dated 31.10.2023 is confirmed. The Civil Miscellaneous Appeal is dismissed. The appellant is directed to deposit the entire award amount with interest and costs as awarded by the Tribunal, less the amount already deposited, to the credit of the claim petition, within a period of six weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit, the respondents 1 and 2 are permitted to withdraw their respective shares with proportionate interest and costs by filing formal permission petition before the Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

[G.K.I.J.] & [N.M.J.,]
11.12.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps



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To

1.The Family Court,
Tiruchirappalli.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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