



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025

and

C.M.A.(MD)No.254 of 2025

and

C.M.P.(MD)No.11871, 12514, 13037 & 4387 of 2025

C.R.P.(MD)No.2050 of 2025:

The Divisional Manager,

M/s.Bajaj Alliance General Insurance Company Ltd.,

D.72, 2nd Floor, 7th Cross Street,

Kanjana Enclave, NEE, Trichy.

...Petitioner

Vs.

1.Sudhakar Johnson

2.Williyam Smith

3.Illavarasu

...Respondents



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

WEB COPY

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, praying to set aside the order in M.C.O.P.No.228 of 2022 dated 06.06.2024, on the file of the Motor Accidents Claims Tribunal [The Hon'ble Special Sub Judge], Tiruchirappalli.

For Petitioner : Mr.N.Shyllappakalyan
For Respondent No.3 : Mr.VR.Shanmuganathan

C.R.P.(MD)No.2148 of 2025:

The Divisional Manager,
M/s.Bajaj Alliance General Insurance Company Ltd.,
D.72, 2nd Floor, 7th Cross Street,
Kanjana Enclave, NEE, Trichy. ...Petitioner

Vs.

1.Minor Habuck Vinij @ Habu
2.Villiyam Smith
3.Illavarasu ...Respondents

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, praying to set aside the common order in M.C.O.P.



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025

and

C.M.A.(MD)No.254 of 2025

No.226 of 2022 dated 06.06.2024, on the file of Motor Accident Claims

Tribunal (The Hon'ble Special Sub Judge), Tiruchirappalli.

For Petitioner : Mr.N.Shyllappakalyan

For Respondent No.3 : Mr.VR.Shanmuganathan

C.R.P.(MD)No.2201 of 2025:

The Divisional Manager,

M/s.Bajaj Alliance General Insurance Company Ltd.,

D.72, 2nd Floor, 7th Cross Street,

Kanjana Enclave, NEE, Trichy.

...Petitioner

Vs.

1.Vijayakumari

2.Williyam Smith

3.Illavarasu

...Respondents

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, praying to set aside the common order in M.C.O.P. No.227 of 2022 dated 06.06.2024, on the file of Motor Accident Claims Tribunal (The Hon'ble Special Sub Judge), Tiruchirappalli.

For Petitioner : Mr.N.Shyllappakalyan

For Respondent No.3 : Mr.VR.Shanmuganathan



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

C.M.A.(MD)No.254 of 2025:

WEB COPY

The Divisional Manager,
M/s.Bajaj Alliance General Insurance Company Ltd.,
D.72, 2nd Floor, 7th Cross Street,
Kanjana Enclave, NEE, Trichy.

...Appellant

Vs.

1.Rahinidevi
2.Williyam Smith
3.Illavarasu

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the common order in M.C.O.P.No.235 of 2022 dated 06.06.2024, on the file of Motor Accident Claims Tribunal (The Hon'ble Special Sub Judge), Tiruchirappalli.

For Appellant : Mr.N.Shyllappakalyan

For Respondent No.3 : Mr.VR.Shanmuganathan

COMMON ORDER

C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025 have been filed challenging the order made in M.C.O.P.Nos.228, 226 & 227 of 2022 dated 06.06.2024,



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

respectively, on the file of the Motor Accidents Claims Tribunal [The Hon'ble Special Sub Judge], Tiruchirappalli.

2.C.M.A.(MD)No.254 of 2025 has been filed challenging the order made in M.C.O.P.No.235 of 2022 dated 06.06.2024, on the file of Motor Accident Claims Tribunal (The Hon'ble Special Sub Judge), Tiruchirappalli.

3.The parties are referred to by their ranks as in the Civil Revision Petitions, for the sake of convenience.

4.The facts of the present case is that on 17.01.2022, at about 06.00 p.m., when the claimants in M.C.O.P.Nos.235, 228, 226 & 227 of 2022, were travelling as passengers in a Honda Car bearing Registration No.TN 45 BS 4897, belonging to one William Smith / second respondent herein, which was insured with the appellant / Insurance Company, in the Thuvakudi to Pudukottai Ring Road near Pazhanganangudi Junction, a Wagon R car bearing Registration No.TN 49 AD 2346 belonging to one Ilavarasu / third respondent herein, which was driven by its driver in a rash and negligent manner, dashed against the Honda car. Due to the said accident, the claimant Rahinidevi, sustained multiple



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

grievous injuries and the other claimants sustained multiple simple injuries.

Hence, the claim petitions came to be filed by the claimants.

5.Learned Counsel for the appellant submits that admittedly, the accident took place in the Thuvakkudi to Pudukkottai Ring Road near Pazhanganangudi Junction. At the time of the accident, the second respondent, driver of the vehicle insured with the appellant has driven the vehicle in a slow and careful manner. However, due to the rash and negligent driving of the driver of the third respondent's car bearing Registration No. TN 49 AD 2346, the said vehicle dashed against the second respondent vehicle, causing the said accident. There is no negligence on the part of the second respondent. Hence, the second respondent and the appellant are unnecessary parties in the claim petitions and the appellant is not liable to pay any compensation. Therefore, he prays for appropriate orders.

6.Per contra, learned Counsel for the third respondent submits that when the third respondent's car was proceeding in the Pazhanganangudi to Poolangudi Main Road, near four way junction with due care and caution and when the third respondent's car was about to cross the ring road, the second



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

respondent's car which was driven in a rash and negligent manner coming from Thuvakudi Toll Plaza without any control, dashed against the third respondent's vehicle. Hence, the accident occurred only due to the rash and negligent driving of the second respondent's vehicle and not due to the third respondent's vehicle. Therefore, the third respondent has been added as a formal party and he is not liable to pay any compensation. Accordingly, he prays for appropriate orders.

7.This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

8.The manner in which the accident had happened is not in dispute. So also the injuries sustained by the injured are also not in dispute. Further, the quantum of compensation awarded to the respective injured is also not claimed to be excessive. The only ground on which the appeals have been presented before this Court is on the aspect of negligence, which according to the appellant/insurance company, has erroneously been fastened on it in equal proportion along with the 3rd respondent.



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

WEB COPY

9.The contention advanced on this respect on behalf of the appellant is that though the materials, both oral and documentary, in the form of FIR as also the evidence of P.W.s 1 to 3 before the Tribunal substantially prove that it is only the 3rd respondent, viz., the driver of the Maruti Wagon R car, who drove the car in a rash and negligent manner, however, the said evidence has not been considered in proper perspective and liability has been equally fastened on the appellant as well as the 3rd respondent, which is unsustainable.

10.This Court perused the deposition of P.W.s 1 to 3 as also the FIR, which has been registered at the instance of the injured. It is to be pointed out that it has been the consistent view of the Courts that FIR is not a substantive document on which reliance could be placed to fasten the entire liability on the 3rd respondent herein. It is borne out by record that P.W.s 1 to 3 were passengers in the car driven by the 1st respondent, which was insured with the 2nd respondent. The insurer of the 3rd respondent vehicle has not been made a party respondent before the Tribunal nor before this Court and neither the appellant nor any of the respondents herein had taken any steps to even implead the insurer of the 3rd respondent vehicle as a party respondent before this Court.



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

WEB COPY

11.On the side of the injured, barring the minor injured claimant, the other injured claimants examined themselves as P.W.s 1 to 3 and they have sought for compensation at the hands of the 2nd respondent in the claim petition/appellant herein, who is the insurer of the car in which they were travelling. Their evidence, though in essence, implicates the driver of the 3rd respondent herein with negligence, however, the same is countered by the 3rd respondent through the evidence of R.W.3 and marking Exs.R-1 to R-3. So, it is the word of the injured witnesses, against the word of the 3rd respondent herein, viz., the driver of the Wagon R car.

12.In this backdrop, a careful analysis of the reasoning adopted by the Tribunal reveal that the accident is not disputed. Though the FIR has been registered at the earliest point of time, the Tribunal has made a categorical observation that neither P.W.s 1 to 3, nor the insurance company/appellant herein, nor the 3rd respondent herein, the driver of the Wagon R car have examined any independent witnesses to prove the rash and negligent driving. While the rash and negligence is projected on the driver of the Wagon R car by P.W.s 1 to 3 and also the insurance company, it is contended otherwise by the



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

3rd respondent herein, viz., the driver of the Wagon R car. Therefore, as stated above, it is the stand of the injured against the driver of the Wagon R car.

13. When neither the injured nor the 3rd respondent herein, viz., the driver of the Wagon R car had come forward to examine independent witnesses to establish the negligence on one or other person, who could be contributed with the cause of the accident, a duty is cast upon the insurer, who is vicariously liable to compensate the injured on account of the insurance policy, to have taken diligent steps to examine independent witnesses, which alone could form the basis for the Courts to give a verdict one way or the other. The mere registering of FIR and filing of charge sheet would not suffice to mulct the liability wholly on the 3rd respondent herein. Further, it is to be pointed out that even the decision, if any by the criminal court in the criminal proceedings, which had arisen on account of the accident would not be binding on the Tribunal while appreciating the claim for compensation. Therefore, as a matter of prudence and to absolve itself of its liability, the appellant/insurance company ought to have examined independent witnesses to prove the accident to fasten the liability on the driver, who had actually caused the accident. In the absence of the appellant/insurance company examining any independent



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

witness to establish as to who was responsible or negligent in causing the accident, the Tribunal had no other choice, but to fasten the liability equally on both the vehicles, of which the appellant/insurance company is insurer of one of the vehicle. The said finding recorded by the Tribunal cannot be said to be perverse or unreasonable requiring interference at the hands of this Court.

14.For the reasons aforesaid, finding no infirmity with the award of compensation passed by the Tribunal, the Civil Miscellaneous Appeal and Civil Revisions Petitions fail and, accordingly, the same are dismissed, confirming the award passed by the Tribunal. The appellant/insurance company and the 3rd respondent, viz., the driver of the Wagon R are directed to deposit the compensation awarded in respect of each of the injured to the extent of 50% of their liability along with interest as awarded by the Tribunal at 7.5% p.a. from the date of claim petition till the date of deposit to the credit of the respective original petitions, within a period of four weeks from the date of receipt of a copy of this order, if not already deposited, and on such deposit being made, the Tribunal is directed to transfer the compensation amount along with accrued interest directly to the bank account of the respective 1st respondent/injured in CRP (MD)Nos.2201 and 2050 of 2025 and CMA (MD) No.254 of 2025 within



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

a period of two weeks thereafter. Insofar as the compensation amount awarded to the minor 1st respondent/injured claimant in CRP (MD) No.2148 of 2025, the Tribunal is directed to deposit the said amount in an interest bearing account till the minor claimant attains majority and the natural guardian, viz., father of the injured claimant, who is the claimant in CRP (MD) No.2050 of 2025 is permitted to withdraw the accrued interest once in three months to be utilized for the welfare of the minor. Upon the injured minor claimant attaining majority and submitting necessary proof thereof and filing requisite application before the Tribunal, the Tribunal shall disburse the principal amount invested in fixed deposit along with interest, as accrued on that date to the injured minor claimant. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.08.2025

Internet:Yes/No

Index:Yes/No

MR



WEB COPY



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

To

1.The Motor Accidents Claims Tribunal,
[The Special Sub Judge],
Tiruchirappalli.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

M.DHANDAPANI, J.

MR

C.R.P.(MD)Nos.2050, 2148 & 2201 of 2025
and
C.M.A.(MD)No.254 of 2025

13.08.2025