



C.M.A(MD)No.1501 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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1.A.Karuppaiah
2.K.Parvathi

... Appellants/Petitioners

Vs.

1.S.Raja

2.M/s.New India Assurance Company Limited,
Represented through its Divisional Manager,
CMTS Bhavan, BSNL Building,
70 Feet Road, Ellis Nagar,
Madurai – 625 016.

... Respondents/Respondents

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order passed by the learned Special District Judge (Motor Accidents Claims Tribunal), Madurai dated 17.07.2025 in M.C.O.P.No.763 of 2023 by modifying the same.



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For Appellants : Mr.A.Liaketali

JUDGMENT

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

This Civil Miscellaneous Appeal has been preferred as against the award passed by the learned Special District Judge (Motor Accidents Claims Tribunal) dated 17.07.2025 in M.C.O.P No.763 of 2023, whereby dismissed the claim petition filed by the appellants.

2.The appellants are the parents of the deceased, who died in a road traffic accident that took place on 11.10.2020. The first respondent is the owner of the JCB vehicle bearing Registration No.TN59-CZ-5223. It is alleged that he drove the vehicle in a rash and negligent manner, without noticing the deceased who was engaged in cleaning and levelling works on the right side of the vehicle at Venkatachalapathy Nagar, Thuvaraman, and hit him. The deceased was immediately taken to the hospital and subsequently



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died on 27.10.2020 at the Government Rajaji Hospital, Madurai, due to the injuries sustained in the accident.

3.In support of the claim petition, PW1 to PW3 were examined and Exs. P1 to P8 were marked. On the side of the respondents, RW1 and RW2 were examined and Exs. R1 and R2 were marked. A witness document was marked as Ex.W.1.

4.On perusal of the oral and documentary evidence, the Tribunal dismissed the claim petition. Aggrieved by the same, the present appeal has been filed.

5.The learned counsel appearing for the appellants submitted that the F.I.R., marked as Ex.P1, specifically sets out the actual manner of the accident and the reason for the delay in lodging the complaint. However, the Tribunal, without properly considering the same, mechanically dismissed the claim petition. It was further



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submitted that the first respondent, who is the owner-cum-driver of the JCB, is also facing trial before the criminal Court. Therefore, the accident occurred solely due to the negligence of the first respondent, who drove the JCB in a rash and negligent manner while cleaning and leveling the land, without noticing the presence of the deceased. The learned counsel also submitted that the withdrawal of the claim petition under the Workmen's Compensation Act ought not to have been treated as an adverse inference by the Tribunal.

6.On perusal of the records, it is revealed that the alleged accident of 11.10.2020, as claimed by the appellants, did not actually occur and the claim is false. The JCB owned by the first respondent was not involved in any accident on that date. Though the alleged accident occurred on 11.10.2020, the complaint was lodged on 23.10.2020, and there was no proper explanation for such delay. If at all the deceased had indeed sustained injuries in an accident took place on 11.10.2020, a complaint would have been lodged on the



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same day or the next day. The evidence shows that the deceased sustained injuries due to the fall of a coconut tree. Since the deceased was working as a cleaner in the JCB, the belated complaint appears to have been lodged as an afterthought to claim compensation from the insurer of the first respondent's vehicle.

7.In fact, the deceased was admitted into the hospital on 11.10.2020 and thereafter discharged on 17.10.2020. He was again admitted on 26.10.2020 and died on 27.10.2020. Immediately after the coconut tree fell on him on 11.10.2020, the deceased was taken to the Government Rajaji Hospital Madurai and the accident register recorded that the patient was conscious and oriented. Though the accident took place on 11.10.2020, a complaint was lodged by the second appellant only on 23.10.2020. It is further revealed that though the F.I.R was registered in Crime No.2308 of 2020 on the file of the Inspector of Police, Nagamalai Pudukottai Police Station, Madurai for the offences under Sections 279 and 337 of I.P.C, the



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complaint was subsequently closed as false one. The accident register, marked as Ex.P6, clearly shows that the deceased sustained injuries due to the fall of a coconut tree. There is absolutely no evidence to show that the JCB bearing Registration No.TN59-CZ-5223, owned by the first respondent, was involved in the accident that led to the death of the deceased. Therefore, the Tribunal has rightly dismissed the claim petition, and this Court finds no infirmity or illegality in the award passed in M.C.O.P.No.763 of 2023, dated 17.07.2025, by the learned Special District Judge (Motor Accidents Claims Tribunal), Madurai.

8.Accordingly this Civil Miscellaneous Appeal is dismissed. No costs.

**[G.K.I.J.] & [R.P.J.,]
05.12.2025**

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



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To

1.The Special District Judge,
(Motor Accidents Claims Tribunal),
Madurai.

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



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G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

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