



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02.03.2026**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 2392 of 2021  
and connected MP.**

1. M/s.United India Insurance Co Ltd  
146 N, Kumar Complex,  
Thiruchengodu, Namakkal Dist

Appellant(s)

Vs

1. Thiyagarajan  
S/o. Arumugampillai, Res At,  
Mandakkapalayam, Kumaramangalam,  
Thiruchengodu Tk, Namakkal Dist,  
Now At No.22, Narappanchavadi,  
Sankari Tk , Salem Dist

2.Vasanthakumar  
S/o, Thiyagarajan, Res At,  
Mandakkapalayam, Kumaramangalam,  
Thiruchengodu Tk, Namakkal Dist,  
Now At, No.22, Narappanchavadi,  
Sankari, Tk, Salem Dist

3.Gowri  
D/o. Thiyagarajan, Res At,  
Mandakkapalayam, Kumaramangalam,  
Thiruchengodu Tk, Namakkal Dist,  
Now At, No.22, Narappanchavadi,  
Sankari, Tk, Salem Dist

4.Dinesh  
S/o. Palaniappan, D.No.14/5, 5th St,  
Bharathidasan Nagar, Hosur,  
Krishnagiri



5.R.Srinivasan

S/o. Ramasamy Mudaliar, No.3,  
Kumarapalayam, Via Mallur , Salem  
Dist

6.Thiyagarajan

S/o. Arumugampillai, No, .47a, Mettu  
St, Thiruchengodu Tk, Namakkal Dist

Respondent(s)

**PRAYER**

CMA filed under Section 173 of M.V.Act 1988, against the award and decree dated 07/08/2020 made in MCOP No.1041/2011 on the file of the MACT Sub Court, Sankari.

For Appellant(s): Mr.S.Arunkumar

For Respondent(s): Mr.Harsh Dugar for R4  
R1 to R3 and R6- No appearance  
R5-No appearance  
Vakalath revoked.

**ORDER**

Aggrieved over the findings of the Motor Accident Claims Tribunal, Sankagiri, passed in M.C.O.P.No.1041 of 2011, dated 07.08.2020, the 4<sup>th</sup> respondent – appellant herein viz., the United India Insurance Company has filed this Civil Miscellaneous Appeal.

2. Before the Tribunal, respondents 1 to 3 herein/claimants filed MCOP.No.1041 of 2011 on the file of the Subordinate Court, Sankagiri,



claiming compensation for the fatal death of 1<sup>st</sup> claimant's wife viz., Krishnaveni, due to the accident that occurred on 21.07.2011 at 6.00 p.m.

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3. It is averred in the claim petition that the deceased Krishnaveni travelled as a pillion rider in TVS XL Super two wheeler bearing Reg.No.TN 34 B 7566 which was driven by one Gowri -3<sup>rd</sup> claimant. When the said two wheeler was going on the left side of the road, near Mandagapalayam School at Thiruchengodu-Namakkal road, an Yamaha vehicle bearing Reg.No.TCE 4627 coming on the opposite in a rash and negligent, hit the two wheeler against the two wheeler wherein Krishnaveni was a pillion rider. In the said accident, the deceased fell down and sustained injury and died on the way to hospital. The said accident happened due to the rash and negligent driving of the rider of the Yamaha vehicle. FIR was also lodged in this regard. At the time of accident, the deceased was aged 59 years and due to her sudden demise, her family lost love and affection leaving behind her husband and children as her legal heirs and they are the claimants claiming compensation of Rs.10 lakhs.

4. Before the Tribunal, the 1<sup>st</sup> respondent is the driver of the Yamaha vehicle; 2<sup>nd</sup> respondent is the owner of the said vehicle; 3<sup>rd</sup> respondent is the owner of the TVS XL Super; 4<sup>th</sup> respondent is the Insurance company of TVS XL super vehicle.

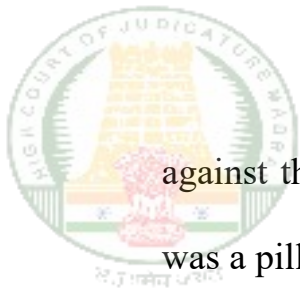


5. The 4<sup>th</sup> respondent filed objections before the Tribunal and other respondents 1 to 3 remained exparte and was absent on all hearings.

6. The objections of the 4<sup>th</sup> respondent, with regard to the FIR is that the FIR was filed against the 1<sup>st</sup> respondent-rider of Yamaha vehicle and the 1<sup>st</sup> respondent paid find before the trial court and there is no negligence on the part of the 3<sup>rd</sup> petitioner; therefore, the insurance company-4th respondent disputed the array of parties viz, respondents 3 and 4 as party to the proceedings and also disputed the compensation claimed by the claimants.

7. Before the tribunal, the 2<sup>nd</sup> petitioner was examined as P.W.1 and two other witnesses were examined as P.W.2 and P.W.3 and Exhibits P.1 to P.11 were marked. On the side of respondents, R.W.1 was examined and Exhibit R.1 was marked.

8. On considering the evidence adduced by both sides, the Tribunal has held that as per the evidence of P.W.1, on the date of the accident, the deceased travelled in the TVS XL Super driven by her daughter viz., 3<sup>rd</sup> petitioner. At that time, vehicle coming on the opposite direction driven by 1<sup>st</sup> respondent and owned by 2<sup>nd</sup> respondent was coming in a rash and negligent manner and hit



against the TVS XL Super vehicle. In the resultant accident, Krishnaveni who was a pillion rider died. The report of the Motor Vehicle Inspector would clearly reveal that there is no mechanical defect in the vehicle and the accident was not happened due to mechanical defect in the vehicle.

9. On a perusal of Rough Sketch Ex.P.4, it is seen that the accident happened in the middle of the Tiruchengode-Namakkal Road and the 1<sup>st</sup> petitioner vehicle driven by the 3<sup>rd</sup> petitioner would have suddenly turned, thereby, the accident might have happened in the middle of the road, as such, the accident happened due to the negligent act of the 3<sup>rd</sup> petitioner and at that time, deceased was not wearing helmet. But the final report was filed by the Police alleging the negligent act of the rider of the Yamaha vehicle viz., R1. The vehicle driven by the 3<sup>rd</sup> petitioner was insured with the 4<sup>th</sup> respondent-insurance company and the vehicle owner is the 1<sup>st</sup> petitioner who is the father of 3<sup>rd</sup> petitioner. Since the petition is filed under Section 163(A) and 166 Rule 3 of Motor Vehicles act, the owner of the vehicle is not entitled to claim compensation. Therefore, the 2<sup>nd</sup> and 3<sup>rd</sup> claimants are alone entitled to get compensation and since the insurance was in force, the Tribunal awarded compensation of Rs.5,00,000/-. Challenging the said finding, 4<sup>th</sup> respondent-Insurance Company preferred this appeal.



10. The contention of the appellant-Insurance Company is that as a tortfeasor, the claimants are not entitled to claim compensation. But it is an undisputed fact that the vehicle belongs to the 1st petitioner Thiagarajan (Respondent No.1 herein) who is the husband of the deceased. On the date of the accident, 3<sup>rd</sup> petitioner/3<sup>rd</sup> respondent-Gowri driven the vehicle in a rash and negligent manner and dashed against the Yamaha vehicle, due to which, the pillion rider Krishnaveni fell down and died. As legal heirs of the deceased, the claimants have preferred the claim petition claiming compensation. Though Thiagarajan is the owner of the vehicle in which Krishnaveni travelled as a pillion rider, at the time of accident, the vehicle was driven by Gowri, petitioner No.3/R3 herein and due to negligence, the accident happened. The findings of the Tribunal is that as a claimant, the said Thiagarajan has filed claim petition and also he was shown as owner of the vehicle as 3<sup>rd</sup> respondent but the same is not disclosed in the averments in the claim petition.

11. The Tribunal, by going through the records, held that Thiagarajan is the owner of the vehicle and rightly not granted compensation by relying on the ratio laid down in **2019 (1) TN MAC 440**. In such view of the matter, the objection raised by the appellant-Insurance Company, is not sustainable.

12. Secondly, the claim petition was filed under Section 166 of Motor



Vehicles act and the Tribunal awarded compensation to Claimants 2 and 3, as such, the findings and the award requires no interference.

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13. Thirdly, it is relevant to note herein that Motor Vehicles Act is a beneficial legislation. Though it is stated that 1<sup>st</sup> claimant and the 3<sup>rd</sup> respondent in the claim petition are one and the same, since Motor Vehicles Act is a beneficial legislation, it is emphasized that technicalities should not stand in the way of substantial justice. The Tribunal, on going through entire facts of the case and the records and evidence, rightly not granted compensation to the 1<sup>st</sup> claimant/Thiyagarajan.

14. In the result, this Civil Miscellaneous Appeal is dismissed. The findings of the Tribunal are confirmed. The appellant-insurance company is directed to deposit the award amount less the amount already deposited before the Tribunal, within six weeks from the date of receipt of a copy of this judgment. No costs. Connected miscellaneous petition is closed.

**02-03-2026**

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Neutral Citation: Yes/No



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**T.V.THAMILSELVI J.**

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To

1.The MACT Sub Court, Sankari.

2.The Section Officer, V.R.Section,

**CMA No. 2392 of 2021**

**02-03-2026**