



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 2348 of 2022

and

C.M.P.No.18247 of 2022

The Divisional Manager
M/s.Bajaj Alliance General Insurance Co. Ltd.,
Vellore (Insurer of Lorry-TN 21 M 2107,
Office at No.25/26, Prince Tower,
College Road, Nungambakkam, Chennai.

..Appellant

Vs

1. R.Uma Maheswari
2. Minor R.Sarath
3. Minor R.Sanjeev
Minors rep by their Mother/ Next friend
R.Uma Maheswari,
4. Krishnaveni
5. G.S. Nagalingam
6. The Inspector Of Police
C1 Sriperumbudur Police Station
(6th Respondent impleaded vide court order
dated 09/06/2023)

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgement and decree dated 23.03.2022 made in MCOP No.75 of 2013 on the file of the Motor Accidents Claims Tribunal, I Additional District and Sessions Judge, Vellore.



For Appellant:

Mr.S.Arun Kumar

For Respondents:

Mr.C.Prabakaran for R1 To R4

No appearance for R-5

Mr.S.Sugendran

Additional Public Prosecutor for R6

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

Challenging the Award passed by the Motor Accident Claims Tribunal, Vellore both on the merits of the claim and on the quantum of compensation, the Insurance Company/2nd respondent before the Tribunal, has come up with the present Civil Miscellaneous Appeal.

2. One Ramanujam, husband of the first respondent herein, father of respondents 2 and 3 herein and the son of the fourth respondent herein met with a road accident while riding his Bajaj Platina two wheeler bearing registration No.TN 22 AR 3706 at SIPCOT Road opposite to HWASIN Company and died on the spot. Contending that the accident was caused by a lorry bearing Registration No.TN 21 M 2107 owned by the fifth respondent herein due to the rash and negligent manner in which it was driven, respondents 1 to 4 herein had filed a claim petition seeking a compensation to the tune of Rs.1,00,00,000/- by invoking Section 166 of Motor Vehicles Act, 1988.

3. The fifth respondent herein, being owner of the lorry and the appellant-Insurance Company had contested the case by filing separate counters,



contending that it is a false case foisted after lapse of two months from the date of the accident and the said lorry had not involved in such an accident and thus, they are not liable to pay the compensation. The appellant further contended that the compensation amount claimed is also excessive one.

4. The Tribunal had raised three points for consideration as under:-

i) Whether the accident took place only due to the rash and negligent driving of the driver of the lorry bearing registration No.TN 21 M 2107?

ii) Whether the respondents are liable to compensate the petitioners? Which respondent is liable?

iii) Whether the claimants are entitled for compensation, if so, what is the quantum of compensation amount?

5. The Tribunal, having gone through the oral and documentary evidence viz., P.Ws.1 to 3, Exs.P1 to P15, R.Ws.1 and 2 and Exs.R1 to R7, has held that the accident had occurred only due to the rash and negligent driving of the lorry owned by the fifth respondent herein. Further, the Tribunal, having found that the said lorry was plied without a valid fitness certificate, directed the appellant to pay the compensation at the first instance with liberty to recover the same from the owner of the offending lorry viz., the fifth respondent herein. So far as the quantum of compensation, the Tribunal had awarded a total sum of Rs.47,15,500/- under various heads, with interest at 7.5% per annum from the date of filing of the claim petition.



6. Aggrieved against the said award of compensation, the appellant-Insurance Company has come up with the present Appeal.

7. Learned counsel for the appellant predominantly urged that the lorry owned by the fifth respondent herein was not involved in any accident as claimed by the claimants and it is false case foisted by the claimants in collusion with the fifth respondent to make a claim against the appellant. The learned counsel sought to rely on the aspect of delay of about two months in subjecting the said lorry for inspection to strengthen his arguments.

8. In the peculiar circumstances of the case, the Inspector of Police, C1 Sriperumbudur Police Station was, *suo motu*, impleaded as sixth respondent in the present Appeal and he was directed to file a Status Report and produce the CD file and CCTV footage, if any, with regard to the accident. Accordingly, the Status Report dated 18.03.2026 has been filed before this court. Relevant portion of the same reads as under:-

"2. It is submitted that, on 10.03.2012 at about 07.40 hours, one P.Ramanujam age 36 (since died), S/o.Perumal at No.45, Sambandam Nagar, Kunrathur, Chennai-69, who was working in PHA Company, Irunkattukottai as Technician, while coming to the company in his motorcycle TN 22 AR 3706, was hit and run over by a suspected eicher van in front of Hwasin Company (as mentioned by the complainant) and its registration number was not known.



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Then the said Ramanujam was taken to Government Hospital, where the Doctor declared him dead.

3. It is submitted that based on the complaint, given by his brother Chandrasekar, a case vide C-1 Sriperumbudur Police Station, Crime No.212/2012, u/s.279 and 304(A) IPC was registered on the same day at about 14.00 hours and the Inspector of Police, Sriperumbudur Police Station took up the investigation.

4. It is submitted that investigation in this case has revealed that the deceased P.Ramanujam while crossing the Hwasin Company on his way to the company from Katrambakkam Road to Sipcot, Irungattukottai in his motorcycle was hit and run over by a van, and its registration number could not be fixed. A CCTV footage taken from the Hwasin Company main gate was analyzed. In the CCTV footage, the deceased P.Ramanujam, just crossing the Hwasin main gate, a Tata Lorry (not Eicher as mentioned by the complainant) vehicle (running for Saradha Motors) was following the motorcycle.

5. It is submitted that later, security guard and other public at the Hwasin Main Gate were rushing towards the



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accident spot. But the accident and the suspected Tata lorry vehicles were not captured in the CCTV. Hence it is presumed that the Tata Lorry, followed the deceased vehicle might have caused the death of P.Ramanujam, by hitting and run over.

6. It is submitted that the then Inspector of Police, Sriperumbudur after recording the statement of witnesses has fixed the Tata Lorry (not Eicher as mentioned in the FIR) TN 21 M 2107, which following the deceased motor cycle was seized on 09.05.2012 and driver of the Tata Lorry Saravanan, S/o.Rajagopal, Mullandam Post, Arani Taluk, Tiruvannamalai District was arrested.

7. It is submitted that after completion of investigation Final Report was filed before the Learned Judicial Magistrate Court, Sriperumbudur in u/s.304(A) IPC and the same was taken on file in C.C.No.161 of 2015 and the trial is pending. The next hearing is posted on 09.04.2026 for issue fresh summon.

8. It is further submitted that the respondents submits that the video clipping relating to the accident which taken place on 10.03.2012 was not available in the Police Station."



9. A perusal of the Status Report reveals that a CCTV footage acquired from the main gate of a nearby Company called Hwasin Company was analysed by the police before even fixing the lorry owned by the fifth respondent, though it was initially taken on record as an unidentified vehicle on the basis of the complaint lodged by the brother of the victim. It is relevant to note that the accident was noticed by PW2, Thirumalai, a colleague of the victim and on the information passed on by him, the complaint came to be lodged by one Chandrasekar, the brother of the victim. PW2 has spoken specifically about his witnessing the accident and the involvement of the lorry in the accident. His evidence is clear, unambiguous and probabalises the case of the claimants regarding the manner in which accident took place. Therefore, his evidence cannot be discarded.

10. Though the learned counsel for the appellant raises certain doubts regarding the delay in seizure of the vehicle and subjecting it for inspection, we find that the evidence of PW2 is cogent and clear, especially, when he speaks about his witnessing the vehicle including the colour of the vehicle. While the appellant raises such a doubt, it is seen that either the appellant or the fifth respondent has not even initiated any steps to deny the role of the lorry in the accident immediately on such fixation in the 2012 itself and has chosen to wake up and confront the same only in the year 2017, soon after the concrete evidence of PW2, an eyewitness, has been adduced before the Tribunal. The evidence of PW2, an eyewitness to the accident, the FIR, the contents of the



Status Report filed by the police, all read together, make a clear chain of circumstances pointing out the involvement of the lorry owned by the fifth respondent herein.

11. We are satisfied that the Tribunal has properly appreciated the evidence and accepted the case of the claimants. We find no reason to interfere with the same. Accordingly, the Civil Miscellaneous Appeal is dismissed and the award passed by the Tribunal is confirmed. As far as the quantum of compensation is concerned, we find no reason to interfere with the same as it is a reasonable one arrived on the basis of the supporting materials available. No costs. The connected miscellaneous petition is also dismissed.

(C.V.K.,J.) (K.R.S.,J.)
18-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssk

To

1. Motor Accidents Claims Tribunal,
I Additional District and Sessions Judge,
Vellore.
2. The Inspector Of Police
C1 Sriperumbudur Police Station



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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