



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1899 of 2026

AND

CMP NO. 15046 OF 2026

The Branch Manager
National Insurance Co.Ltd.,
Motor Third Party Claim Office,
No 252 Gandhi Road,
Kancheepuram District.

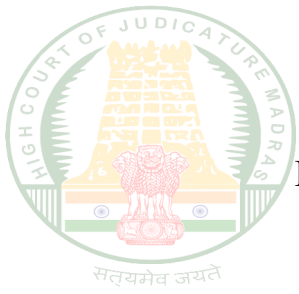
..Appellant(s)

Vs

1. D Ramu
S/o.Devan,
No.65 MGR Nagar,
Vaiyavoor Village and Post,
Kancheepuram Dist.
2. M.Sivaraj
S/o.Murugan,
Vishakandikuppam Village,
Siruvakkam Post,
Kancheepuram Dist.
3. S.Manivannan
S/o.Subramani,
No.214 Panchaliyammal Koil Street,
Kanniyappan Nagar,
Kancheepuram Dist.

..Respondent(s)

To appeal against the judgement and decree made in
MCOP.No.102 of 2011 dated 16-12-2025, on the file of the MACT,
Spl.Dist.Kanchepeuram.



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For Appellant(s):

Ms.C.Harini
for Mr.Vijayaraghavan N.
M.B.Raghavan

For Respondent(s):

Mr.M.Sivakumar for R1

Judgment

This Civil Miscellaneous Appeal has been filed by the insurance company aggrieved by the award passed by the Motor Accident Claims Tribunal, Special District, Kancheepuram in MCOP No.102 of 2011 dated 16.12.2025.

2. The 1st respondent is the claimant. The claim petition was filed on the ground that the 1st respondent was riding a two wheeler along with a pillion rider and was proceeding from Damal Village towards Musaravakkam. At that time, another two wheeler came in the opposite direction and dashed against the vehicle driven by the claimant. As a result of which, the claimant sustained multiple grievous injuries all over the body. It is under these circumstances, the claim petition came to be filed before the Tribunal. The appellant insurance company took a stand that the entire accident had taken place only due to the rash and negligence driving on the part of the claimant and therefore, the claimant will not be entitled to claim for any compensation since he was the tortfeasor. Accordingly, the appellant insurance company sought for the dismissal of the claim petition.

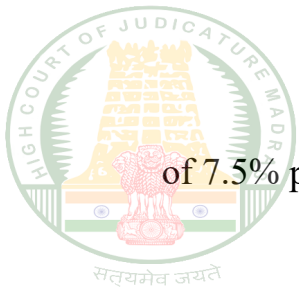


3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the claimant and accordingly, rendered a categoric finding that the claimant was the tortfeasor in this case.

4. Having rendered such a finding, the Tribunal has chosen to convert the petition filed under Section 166 of the Motor Vehicles Act [hereinafter referred to as the Act] into one under Section 163 (A) of the Act. In view of the same, the Tribunal held that the issue of negligence becomes insignificant and accordingly, proceeded to fix the compensation at Rs.1,27,400/- under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Extra Nourishment	Rs. 5,000/-
2.	Medical Expenses	Rs. 15,000/-
3.	Transportation	Rs. 5,000/-
4.	Pain and Sufferings	Rs. 2,500/-
5.	Disability / Loss of Earning Capacity	Rs. 90,000/-
6.	Loss of Income during the treatment period	Rs. 9,900/-
	Total	Rs.1,27,400/-

The above compensation was directed to be paid with interest at the rate



of 7.5% per annum.

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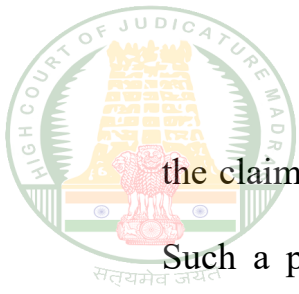
6. Aggrieved by the same, the Insurance company has filed this appeal.

7. Heard Ms.C.Harini, learned counsel for appellant/ Insurance company and Mr.M.Sivakumar, learned counsel for the 1st respondent.

8. This Court carefully considered the submissions made on either side and the materials available on record.

9. This Court has also carefully gone through the award passed by the Tribunal.

10. In the considered view of this Court, the procedure that has been adopted by the Tribunal in this case is illegal. When a petition is filed under Section 163 A of the Motor Vehicles Act, the Tribunal will not go into the issue of negligence and the compensation will be calculated based on the structured formula. However, when a claim petition has been filed under section 166 of the Motor Vehicles Act, the issue of negligence comes into operation. This Court has categorically held that once the claimant has consciously approached the Tribunal by filing the petition under Section 166 of the Act, after recording evidence, when the negligence gets established against the claimant, midway



the claim petition cannot be converted to one under Section 163 A of the Act.

Such a practice has been deprecated by this Court. Useful reference can be

made to the judgement of this Court in *[Kasthuri Vs. IPT Prem Sathish and others]* reported in *2023 1 Law Weekly 468*.

11. In the light of the above discussion, the entire procedure that was adopted by the Tribunal goes against the established principles of law and the Tribunal after having rendered a specific finding that the claimant was the tortfeasor in this case should not have converted the petition into one under Section 163A of the Act. Consequently, the compensation fixed by the Tribunal by directing the Appellant insurance company to pay the same is legally unsustainable.

12. In the result, the award passed by the Motor Accident Claims Tribunal in MCOP No.102 of 2022 dated 16.12.2025 is hereby set-aside and the accordingly, this Civil Miscellaneous Appeal stands allowed. Consequently, the connected miscellaneous petition is closed.

29-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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CMA No. 1899 of 2



N.ANAND VENKATESH J.

RKA

To
The Motor Accident Claims Tribunal, Special District, Kancheepuram

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