IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMA No. 2589 of 2024
and
CMP No.20569 of 2024

M/s. United India Insurance Co Ltd.,
Rep. by its Divisional Manager,
Divisional Office at Durga Bhavani Square,
Opp. Railway Station,
Denkanikottai road, Hosur,
Krishnagiri 635 109.

Appellant(s)

Vs

1. Chandrakala

2.Nithish Kumar (Minor)
S/o. Late. Murugan,
rep by Mother and NF
Chandrakala 1 st Respondent

3.Anu Sri (Minor)
D/o. Late. Murugan,
rep by Mother and NF
Chandrakala 1 st Respondent)

4.Kanniamma

5.Vaiyapuri

6.Thimmaraj

Respondent(s)

PRAYER

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act against the Judgement and Decree made in MCOP No.1309 of 2021 dated 19.01.2024 on the file of Motor Accidents Claims Tribunal, Special District Court, Krishnagiri.

For Appellant(s): Mr. M.B.Raghavan
for
Mr. M.B. Gopalan Associates

For Respondent(s): Mr. E.Kannadasan,
for R1 to R5

R6 – N.A.

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

This Civil Miscellaneous Appeal has been filed by the appellant/Insurance Company challenging the award dated 19.01.2024 passed by the learned District Judge, Motor Accidents Claims Tribunal , Krishnagiri, in MCOP No.1309 of 2021.

2. The appellant/Insurance Company is arrayed as second respondent before the Tribunal. The respondents 1 to 5 herein are the claimants, who filed

the claim petition seeking compensation of Rs.35,00,000/- for the death of one Murugan, who died in a motor accident that occurred on 18.10.2021. The sixth respondent herein is the owner of the offending vehicle, namely, Bolero Pickup bearing Registration No.KA-43-6717.

3. The case of the claimants is that on 18.10.2021, the deceased Murugan and Muniappa were travelling to their village in the offending vehicle along with urea and pesticides purchased by them. The said vehicle was driven in a rash and negligent manner by its driver. At that time, a dog suddenly crossed the road and in an attempt to avoid hitting the dog, the driver applied sudden brake. Due to over-speed, the driver lost control of the vehicle, which resulted in the vehicle capsizing. In the said accident, the deceased Murugan and Muniappa sustained grievous injuries and thereafter, succumbed to the same. The deceased Murugan was aged 31 years at the time of accident and was engaged in agriculture and allied business, earning a sum of Rs.40,000/- per month. On the said grounds, the claim petition has been filed against the owner of the vehicle and the appellant/Insurance Company.

4. The sixth respondent/owner of the offending vehicle remained exparte before the Tribunal. The appellant/ Insurance Company filed its counter statement denying all the averments made in the claim petition and contended

that the deceased travelled as an unauthorised passenger in a goods vehicle, in violation of policy conditions, and therefore, the Insurance Company is not liable to pay compensation. Further, the sixth respondent/owner of the vehicle knowingly took many persons unauthorizedly for monetory benefits. The appellant/Insurance Company has also denied the age, avocation and income of the deceased and prayed for dismissal of the claim petition.

5. Before the Tribunal, the first claimant examined herself as P.W.1, and one Mr.Sathappa, an eye-witness to the occurrence, was examined as P.W.2 and 18 documents were marked as Exs.P1 to P18. On the side of the appellant/Insurance Company one Mr.K.S.Ramachandran was examined as R.W.1 and the Insurance Policy was marked as Ex.R1.

6. The Tribunal, upon consideration of the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the driver of the offending vehicle. The Tribunal further held that the deceased was travelling along with the goods purchased by them and that he cannot be treated as unauthorised passenger. Accordingly, the Tribunal awarded a sum of Rs.25,06,624/- as compensation and directed the appellant/Insurance Company to pay the same.

7. Aggrieved by the said award, the appellant/Insurance Company has preferred the present appeal.

8. The learned counsel appearing for the appellant/Insurance Company would submit that the negligent aspect, due to which the accident had occurred, is not disputed by the Insurance Company, but the only contention is that the deceased was travelling in a goods vehicle and therefore, he is only an unauthorised passenger and cannot be considered as passenger covered under the policy. Hence, the appellant/Insurance company is not liable to pay that amount since the deceased was travelling on the goods vehicle.

9. We have carefully considered the matter in the light of the submissions made on either side and perused the materials available on record.

10. Since there is no dispute with regard to the negligent aspect, now it has to be seen whether the deceased was travelled as an unauthorised passenger or not.

11. From the evidence adduced before the Tribunal, it is clear that the deceased Murugan and Muniyappa were travelling in the offending vehicle along with the goods purchased by them. Though RW1 has stated before the

Tribunal that the deceased travelled as unauthorised passenger, it is relevant to note that RW1 is not an eye witness to the occurrence. The Tribunal, in fact, considering the evidence of the eye-witness examined on the side of the claimants, coupled with the documentary evidence, has come to the definite conclusion that the deceased was travelled along with the goods.

12. When the Registration Certificate and the insurance policy permit coverage, the person who met with an accident while travelling along with the goods is necessarily entitled to compensation. For that reason alone, the Insurance Company has also not filed any appeal against the award passed in the other connected MCOP No.1322 of 2021. It is stated before this Court that the entire amount awarded in MCOP No.1322 of 2021 has already been deposited by the Insurance Company and that no appeal has been filed against the said award.

13. Having realised the fact that the deceased was owner of the goods, and had succumbed to injuries sustained in a motor accident, the Insurance Company has consciously chosen not to file any appeal in the connected matter in MCOP No.1322 of 2021.

14. The Tribunal has clearly found that the vehicle was driven in a rash and negligent manner by the driver of the offending vehicle, and that the claimants are entitled to compensation, since the deceased Murugan was travelling along with the goods purchased by him. In such view of the matter, we do not find any merit in the present Civil Miscellaneous Appeal.

15. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

(N.SATHISH KUMAR J.)　　(R.SAKTHIVEL J.)
02-01-2026

Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes

mrp

To

The Special District Court for Motor Accident Claims Cases,
Krishnagiri.

N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.

mrp

CMA No. 2589 of 2024

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