



WEB COPY

CMA No. 1363 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1363 of 2026

and

CMP No.12503 of 2026

Reliance General Insurance Co.Ltd
Rep. by L M. No.73,
Anna Salai (Officer's Line Road),
Opp. Lakshmi Theatre, Vellore.

..Appellant(s)

Vs

1. M. Murugan
Rep by his wife Arunadevi
is rep as Guardian.

2. K. Thanigaivel

3. D. Teekaraman

..Respondent(s)

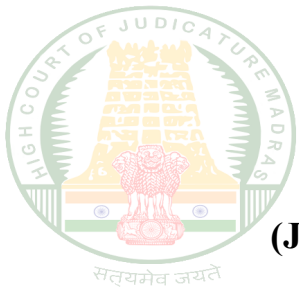
PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree passed by the Chief Judicial Magistrate, Motor Accident Claims Tribunal, Vellore made in MCOP No.530 of 2016 dated 22.04.2025 and allow this CMA.

For Appellant(s):

M/S.G.Thamizharasi for
Sai Srujan Tayi

For Respondent(s):

Mr.M.Sivakumar For R1
For R3 - NA



JUDGMENT

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

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The third respondent in MCOP No. 530 of 2016, on the file of the Chief Judicial Magistrate, Motor Accident Claims Tribunal, Vellore aggrieved by the judgment dated 22.04.2025 has filed the present appeal.

2.On 31.07.2016 at 05.00 p.m. the petitioner was travelling as a pillion rider along with his friend Ramesh, who was riding the two wheeler at Chennai to Bangalore road, near Abdullapuram Bridge, Virinchipuram, Vellore, at extreme left side of the road. At that time, the driver employed by the 1st and 2nd respondents was driving the auto bearing Registration No.TN 23 AH 3386 with high speed without blowing any horn and negligent manner and dashed against the backside of the two wheeler. Due to the strong hit, the victim fell down and he sustained moderate head injury, left frontotemporoparietal subdural hematoma, right temporal subdural hematoma, right temporal contusion, left temporoparietal contusion, left temporal bone fracture and still he is unconscious. Hence the claimants have filed the claim petition invoking Section 166 of Motor Vehicles Act, claiming Rs.20,00,000/-.

3.The claim petition was contested by the Insurance Company stating that the driver of the offending vehicle was not having driving license and that it was the rider of the two wheeler, whose negligence had resulted in the accident. But

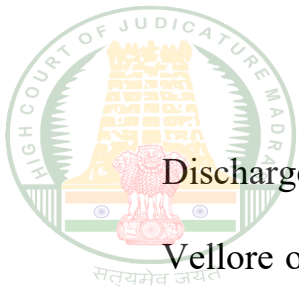


however, the Trial Court on considering the oral and documentary evidence, awarded a sum of Rs.30,04,978/-. Challenging the quantum as well as liability, Insurance company is before this Court with this appeal.

4.Learned counsel for the appellant submitted that the driver of the Auto did not have valid driving licence and there was no valid permit for the auto as well at the time of accident. That being so, the appellant is not liable to be pay any compensation, and when there was no liability for the appellant, the question of pay and recover would not arise. The learned counsel also submitted that in the absence of any proof regarding employment of the victim, the monthly income fixed was excessive and the amounts awarded under other heads were also on the higher side.

5.Heard the learned counsel for the claimant who would support the award of the Tribunal.

6.A perusal of the award of the Tribunal shows that the victim had suffered grievous injuries on his head. As per Ex.P4, the Discharge Summary issued by CMC, Vellore, for the period from 01.08.2016 to 18.08.2016, the victim had suffered moderate head injury, left frontotemporoparietal subdural hematoma, right temporal subdural heamtoma, right temporal contusion, left temporoparietal contusion and left temporal bone fracture. Further, Ex.P5



Discharge Summary shows that the victim was admitted in CMC Hospital, Vellore on 28.11.2017 and discharged on 03.12.2017 and that he was suffering from left frontotemporoparietal decompressive craniectomy defect. It is also seen that due to the injuries sustained, the victim had suffered loss of speech and mental disability. The victim had appeared before Medical Board, Vellore and the Disability Certificate, marked as Ex.C1, issued by the said Medical Board fixing the percentage of disability suffered by the victim at 90%. There is no contra evidence produced to dispute the same. Therefore, we are of the view that the percentage of disability fixed by the Tribunal, based on materials, is proper and the same is confirmed. That apart, the victim, aged 33 years, who was a mason by profession, has lost his livelihood and become a physically challenged person for the rest of his life due to the injuries sustained. Therefore, the Tribunal was justified in adopting multiplier method to arrive at loss of income. The amounts awarded by the Tribunal under the other heads are also reasonable.

7.As far as 'pay and recovery' ordered by the Tribunal is concerned, the same is confirmed as there has been violation of policy conditions. Hence, we do not find any infirmity in the award passed by the Tribunal and the same is confirmed.



8. The appeal is accordingly dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

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(C.V.K.,J.) (K.R.S.,J.)
04-06-2026

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

SLI

To
The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Vellore.



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

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