



WEB COPY

CMA No. 1531 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1531 of 2026

1. Amudha
2. Govindaraj
3. Manimegalai
4. Selvakumar

..Appellant(s)

Vs

1. A. Prabhakaran
2. The Branch Manager
National Insurance Company Limited,
Royal Towers, 185/1, Meyyanoor Road,
Opposite ARRS Multiplex Theatre,
Salem - 636 004.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award against the order dated 18.03.2024 made in M.C.O.P.No.598 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

For Appellant(s):

Ms.M.Malar



JUDGMENT

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

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The petitioners in M.C.O.P. No.598 of 2021 on the file of the Motor Accident Claims Tribunal, Krishnagiri, aggrieved by the order dated 18.03.2024, by which order the claim petition was dismissed, is before us filing the appeal.

2.The nature of the accident and that in the accident, there was death of one Narasimman had not been disputed. One of the issues framed by the Tribunal was whether the petition for compensation was maintainable before the forum or not. That issue arose, owing to the fact that, it came to light that the petitioners had parallelly approached the Employees Compensation Commissioners Forum at Salem, by Employees Compensation No.203 of 2022 and an award was also passed on 14.10.2022. That fact has not been disputed by the appellants herein, who were the petitioners therein. The copy of the said award was also marked as Ex.R1 during the cross examination of PW-3. RW-2 who was examined on behalf of the Insurance Company had very categorically stated that a sum of Rs.16,60,275/- apart from the funeral expenses of Rs.5,000/- had been paid as compensation by the Employees Compensation Commissioners Forum at Salem, for the very same accident for which a claim had been preferred from the Motor Accident Claims Tribunal at Salem.

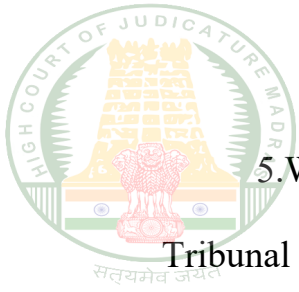


3.The Tribunal had very carefully considered the said aspect and in answer to issue No.2 had examined the scope of Section 167 of Motor Vehicles Act, 1988, relating to exercising of option regarding claims for compensation in certain cases. The said provision is as follows:

“Sec.167: Option regarding claims for compensation in certain cases:-

Notwithstanding anything contained in the Workmen’s Compensation Act, 1923 (8 of 1923), where the death of, or bodily injury to, any person gives rise to a claim for compensation under this Act and also under the Workmen’s Compensation Act, 1923, the person entitled to compensation may without prejudice to the provisions of Chapter X claim such compensation under either of those Acts but not under both.”

4.The appellants could have taken up the doctrine of election and could have opted for either one of the forums for seeking compensation, but they cannot seek compensation from both the forums. Having received the compensation from one particular forum, they cannot seek compensation from the other forum. The principle of estoppel would apply. The aggrieved party can elect either one forum but not both.



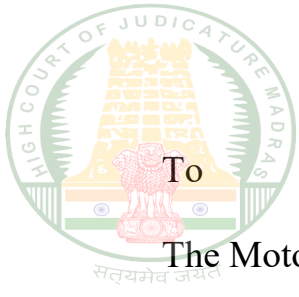
5. We have carefully perused the order under appeal and we hold that the Tribunal had correctly examined the said issue and had dismissed the said petition only because the appellants herein had already received compensation under the Employees Compensation Commissioners Forum at Salem for a sum of Rs.16,60,275/- apart from funeral expenses of Rs.5,000/-.

6. In view of that particular fact, we find no ground to interfere with the order passed by the Tribunal in M.C.O.P.No.598 of 2021 dated 18.03.2024 and we confirm the same. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
09-06-2026

smv

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



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To

The Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

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

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