



C.M.A.No.23 of 2026

K.GOVINDARAJAN THILAKAVADI, J.

WEB COPY

This matter is posted today under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the appellants.

2. The learned counsel appearing for the appellants submitted that on 25.02.2026, this Court dismissed the appeal filed by the appellant by confirming the order of the Tribunal. The learned counsel prays this Court to give permission to the appellants to withdraw the amount ordered by the Tribunal in M.C.O.P.No.187 of 2021 dated 20.08.2025 on the file of the Motor Accident Claims Tribunal / Special District Court, Cuddalore.

3. Considering the submissions made by the learned counsel for the appellants, the Registry is directed to replace paragraph No.7 of the above order as follows:

“7.In view of the above discussions, this civil miscellaneous appeal is dismissed. No costs. The award passed in M.C.O.P.No.187 of 2021 on the file of the Motor Accident Claims Tribunal / Special District Court II, Cuddalore, Upheld. The appellants are permitted to withdraw the compensation amount awarded by the Tribunal and lying in the credit of M.C.O.P.No.187 of 2021 dated 20.08.2025 on the file of the Motor Accident Claims Tribunal / Special District Court, Cuddalore.’as per the apportionment made by the Tribunal, after filing proper withdrawal form.”

4.Registry is directed to carryout the necessary correction and issue the fresh order copy forthwith.

24.04.2026

Vsn



WEB COPY



K.GOVINDARAJAN THILAKAVADI, -

vsn

C.M.A.No.23 of 2026

24.04.2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.02.2026

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 23 of 2026

1. Kathirvel

2. Karthickvel

...Appellants

Vs.

1. M/s. Arulmigu Sri Perumal Samy Tyres,

No.455-2, Cuddalore Main Road,

Periyakurichi, Neyveli 607 802.

2. The Divisional Manager,

United India Insurance Company Limited,

No.13A, Nethaji Road,Cuddalore 607 001.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree in M.C.O.P.No.187 of 2021 dated 20.08.2025 on the file of the Motor Accident Claims Tribunal / Special District Court II, Cuddalore.

For Appellants : Ms. Ramya V. Rao

For Respondents : Mr. S. Arun Kumar for R2

R1 – served – No appearance.

JUDGMENT

This appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants/claimants questioning the negligence and quantum of compensation



awarded in M.C.O.P. No.187 of 2021 on the file of the Motor Accident Compensation Tribunal / Special District Court II, Cuddalore.

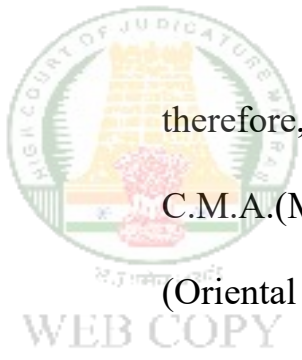
WEB COPY

2. The learned counsel for the appellant would submit that, the Tribunal has erroneously fixed 10% contributory negligence on the part of the deceased for not wearing helmet at the time of accident is unsustainable. Her further contention is that, the Tribunal ought to have fixed the monthly income of the deceased as Rs.94,175/- instead of Rs.90,675/-, without deducting House Rent Allowance and Medical Allowance, warrants interference by this Court.

3. On the other hand, the learned counsel for the 2nd Respondent would submit that, the Tribunal, after analysing the materials on record, had rightly fixed 10% contributory negligence on the part of the deceased and awarded just compensation, warrants any interference. Hence, prayed for dismissal of the Civil Miscellaneous Appeal.

4. Heard on both sides. Records perused.

5. It is seen from the order of the Tribunal that the deceased had sustained grievous head injury and she was not wearing helmet at the time of accident. The Insurance Company claims that, since the deceased had travelled without helmet, she had sustained head injury and succumbed to death,



therefore, the deceased has also contributed to the negligence. This Court ---

C.M.A.(MD) No.987 and 988 of 2014, dated 13.02.2017, the Branch Manager (Oriental Insurance Company Limited) vs. Indirani and others, has held as follows:

“11. Without wearing a helmet, no rider can ride the two wheeler and as per Section 129 of the Motor Vehicles Act, 1988, it is mandatory.”

This Court is consistently following the above principles that, if a person travelled in a two wheeler without wearing helmet and sustained injury, it shall be accepted that he had also negligently contributed to the accident. The learned Tribunal, applying the principles laid down by this Court in catena of decisions, has rightly held that, non wearing of helmet, at the time of accident amounts to contributory negligence, fixed 10% contributory negligence on the part of the deceased, warrants any interference by this Court.

6. Further, the Tribunal has rightly fixed the income of the deceased as Rs.90,675/-, which is in accordance with law.

7. In view of the above discussions, this Civil Miscellaneous Appeal is dismissed. No costs. The Award passed in M.C.O.P. No.187 of 2021 on the file of the Motor Accident Claims Tribunal / Special District Court II, Cuddalore, is upheld.



25.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

The Special District Judge II,

Motor Accident Claims Tribunal, Cuddalore



WEB COPY



K.GOVINDARAJAN THILAKAVADI, J.

bga

C.M.A.No. 23 of 2026

25.02.2026