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CMA No. 1655 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1655 of 2026

AND

CMP NO. 13856 of 2026

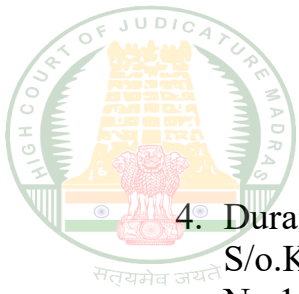
The Divisional Manager
Oriental Insurance Co. Ltd.
Motor Third Party Claims Cell, (Hub)
No.115, Prakasam Salai, Broadway,
Chennai-108.

..Appellant(s)

Vs

1. Neelavathi
W/o. Rajasekar
No. 1/192, Pillaiyar Koil Street
Kavanur Village
Sriperumbudur Taluk
Kancheepuram Dist.
2. Minor Kishore
S/o.Rajasekar,
No.1/192, Pillaiyar Koil Street,
Kavanur Village, Sriperumbudur Taluk,
Kancheepuram District.
3. Minor Jaswanth
S/o.Rajasekar,
No.1/192, Pillaiyar Koil Street,
Kavanur Village, Sriperumbudur Taluk,
Kancheepuram District.

(2nd and 3rd Respondents / Minors rep by
Mother and Guardian Neelavathi)



4. Duraikannu
S/o.Kothandapani Pillai,
No.1/192, Pillaiyar Koil Street, Kavanur
Village, Sriperumbudur Taluk,
Kancheepuram District.
5. Kothavari
W/o.Duraikannu,
No.1/192, Pillaiyar Koil Street,
Kavanur Village, Sriperumbudur Taluk,
Kancheepuram District.
6. The Managing Director
KTR Securi Plants and Intelligence Bridge
Private limited
1769, M.H.Road,
Mysore, Karnataka State.
7. K Subramani
S/o.Kesavalu Naidu,
Bajanai Koil Street,
Sogandi Village,
Sunguvarchatram,
Sriperumbudur Taluk.
8. The Branch Manager,
National Insurance Company Limited.
No.225, Gandhi Road,
Kancheepuram.

..Respondent(s)

PRAYER : Appeal filed under Section 173(1) of Motor Vehicles Act, to set aside the award passed by the Motor Accident Claims Tribunal - Additional District Court (FTC), Kancheepuram in M.C.O.P No. 36 of 2012 dated 18.02.2025.

For Appellant(s):

Mr.S.Senthilkumar



Judgment

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

The second respondent in MCOP.No.36 of 2012, aggrieved by the award dated 18.02.2025 passed by the Motor Accidents Claims Tribunal / Additional District Court, (FTC), Kancheepuram, has filed the present Appeal.

2. The deceased Rajasekar, on 12.06.2010 at about 22.30 hours, was driving a motor cycle bearing Registration No.TN.21 F 5779, going to his house along with one Subramani who was a pillion rider. When they were going near Ponniamman Patrai Coot Road, on the extreme left side of the road, a Jeep bearing Registration No.KA 09 M 2815 dashed on the left side of the vehicle of the deceased and thereby, the deceased fell down and sustained fatal injuries on the head and he was taken to the Government Hospital at Kancheepuram and died in the hospital. The pillion rider also sustained grievous injuries all over the body and especially on the head.

3. It is contended that, with respect to the said accident, an FIR had been lodged and it has been urged by the learned counsel for the appellant that the complainant was the father of the deceased. However, in the complaint, it has been stated that the police had obtained the signature of the father in the FIR. Be

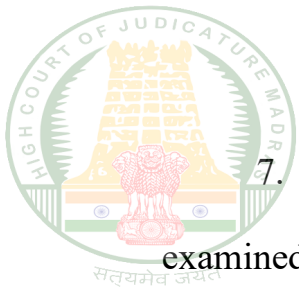


that as it may, the claimants / legal heirs of the deceased had filed a Claim Petition before Motor Accidents Claims Tribunal / Additional District Court, (FTC), Kancheepuram, under Section 166 of the Motor Vehicles Act seeking compensation of Rs.10,00,000/-.

4. The appellant herein had filed a counter affidavit denying the nature of the accident. It had been contended that the deceased was a tortfeasor and that, the entire liability cannot be foisted upon the appellant herein.

5. The fourth respondent in the Claim Petition / National Insurance Company, the Insurance Company of the two wheeler which was driven by the deceased, also filed a counter, wherein, they had denied their liability holding that the deceased was a tortfeasor.

6. It is seen that both the Insurance Companies had tried to wash their hands from payment of any compensation to the claimants. The Tribunal, on consideration of the evidence which had been adduced, had come to the specific conclusion that the Jeep was driven in a rash and negligent manner and thereby caused the accident. In this connection, during the trial, P.W.2 / eye witness had also been examined who was the pillion rider, Subramani, who was also injured in the accident.



7. To counter this particular evidence, the appellant herein could have examined the driver of the Jeep who could have adduced evidence regarding the nature of the accident. For reasons best known to the appellant, they have not examined the driver of the jeep and they have also not examined any other witness to speak about the nature of the accident which had occurred. They had only marked the Insurance Policy of the fourth respondent as Ex.R2.

8. The main stand of the appellant herein is the reliance placed on the FIR, which, according to them, was lodged by the father of the deceased. However, we would like to make it clear that the FIR would have been recorded immediately after the accident occurred and when the father was available, his signature had been obtained by the police. The said statement has not been denied by the appellant herein. Even otherwise, the FIR has not been substantiated by any other evidence. Moreover, P.W.2, the pillion rider had entered the witness box and had deposed about the nature of the accident. His evidence appears to be more probable and more credible. The Tribunal has rightly appreciated that particular evidence. No argument has been advanced before us as to the quantum of compensation awarded by the Tribunal.

9. In view of the limited scope of the arguments advanced, we are rejecting the same. Accordingly, this Civil Miscellaneous Appeal stands dismissed and the amount awarded by the Tribunal together with interest at the



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rate of 7.5% per annum from the date of petition till the date of deposit is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

**(C.V.K.,J.) (K.R.S.,J.)
12-06-2026**

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

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To

The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court, Kancheepuram.

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