



C.R.P.(MD).No.765 of 2026 & CMA(MD)No.363 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.04.2026

PRONOUNCED ON : 04.06.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).No.765 of 2026

and

C.M.A.(MD).No.363 of 2026

and

C.M.P.(MD).No.3477 and 3449 of 2026

C.R.P.(MD).No.765 of 2026

M/s.Iffco Tokio General Insurance Company Limited,
Through its Branch Manager,
Kings Stone Park, 2nd Floor,
Opposite to Aruna Theater,
Ramalinga Nagar, Woraiyur,
Trichy.

... Petitioner/2nd Respondent

Vs.

1.Nambiraj

... 1st Respondent/Petitioner

2.M.Sarannath

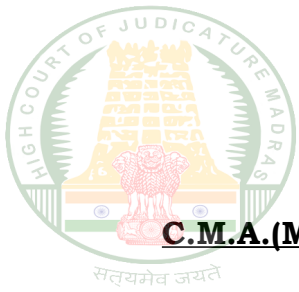
... 2nd Respondent/1st Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the common order passed in M.C.O.P.No.21 of 2024 dated 01.09.2025 on the file of the Honourable Special Sub Judge (to deal with MCOP Cases), Tiruchirappalli.

For Petitioner : Mr.N.Shyllappakalyan

For R-1 : Mr.N.Sudhagar Nagarajan

For R-2 : No appearance



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M/s.Iffco Tokio General Insurance Company Limited,
Through its Branch Manager,
Kings Stone Park, 2nd Floor,
Opposite to Aruna Theater,
Ramalinga Nagar, Woraiyur,
Trichy.

... Appellant/2nd Respondent

Vs.

1.Tenniskala

... 1st Respondent/Petitioner

2.M.Sarannath

... 2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the common order passed in M.C.O.P.No.28 of 2024 dated 01.09.2025 on the file of the Honourable Special Sub Judge (to deal with MCOP Cases), Tiruchirappalli.

For Appellant : Mr.N.Shyllappakalyan

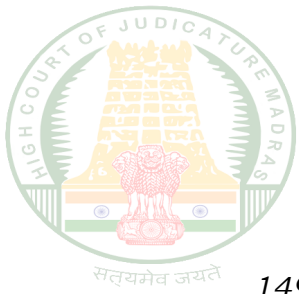
For R-1 : Mr.N.Sudhagar Nagarajan

For R-2 : No appearance

COMMON ORDER

After I reserved orders, it has come to my notice that the Division Bench, which has ceased off the very same issue, had reserved orders on the very same day. The Division Bench has pronounced an order on 01.06.2026, rejecting the appeals on the following grounds:

*“75.For the reasons stated above, we hold and declare
that:*



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a. *The deletion of the proviso to Section 149(4) and Section 149(5) in the Motor Vehicles Act, 1988, as it stood prior to the amendment by the Motor Vehicles (Amendment) Act, 2019 (Act 32 of 2019), does not have the effect of obliterating the statutory duty of the insurer to pay the claims made under an award or decree in respect of liability covered under a policy of insurance.*

b. *The duty vis-à-vis a third party is statutory in character and flows from Section 150(1) of the Motor Vehicles Act, 1988, as amended by Act 32 of 2019, and remains unhindered by the fact that the insurance company has succeeded in establishing a contractual defense permitted under Section 150(2).*

c. *In the event the insurance company succeeds in establishing a defense under Section 150(2), the insurer will stand absolved from its contractual liability vis-à-vis the insured. Consequently, the insurer, after satisfying its statutory liability under Section 150(1) can proceed to recover the sum so paid from the insured. The insurance company can proceed to recover the same in terms of the directions contained in paragraph 110 (x) of the decision of the Supreme Court in **National Insurance Co. Ltd v Swaran Singh, (2004) 3 SCC 297.***

d. *Conversely, if the insurance company does not succeed in establishing a defense under Section 150(2) the burden to meet the entire claim will fall on the insurer by virtue of Section 147(2) as amended by Act 32 of 2019, and Rule 2 of the Third-Party Insurance (Base Premium and Liability) Rules, 2022 which provides for unlimited liability in respect of third party insurance under Chapter XI of the Act.”*



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2. I respectfully adopt the view taken by the Division Bench. Consequently, the Civil Revision Petition and the Civil Miscellaneous Appeal are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

The Special Sub Court
(to deal with MCOP Cases),
Tiruchirappalli.



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V.LAKSHMINARAYANAN,J.

Lm

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