



C.M.A(MD)No.189 of 2026

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED: 13.02.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

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Murugan

... Appellant/claimant

-VS-

1.Kannan
2.Kamarudden
3.The Branch Manager,
Shriram General Insurance Co. Ltd.,
SRC Complex, SH 40,
Tirunelveli Town,
Tirunelveli-627 001.
4.The Divisional Manager,
United India Insurance Co.Ltd.,
Door No.37/2, Mattappa Street,
Neel Complex,
Tenkasi-627 811.

... Respondents/
1,2,3 & 4 Respondents



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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to modify the order passed in M.C.O.P.No. 216 of 2012, on the file of the Motor Accident Claims Tribunal-cum-Principle Sub-Court, Tenkasi dated 22.01.2019 and allow the appeal and award just compensation with costs.

For Appellant : Mr.K.Esakkidurai
For R3 : Mr.N.Shyllappakalyan
For R4 : Mr.I.Robert Chandrakumar

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This Civil Miscellaneous Appeal has been preferred by the claimant as against the award passed in M.C.O.P.No.216 of 2012, dated 22.01.2019 on the file of the Motor Accident Claims Tribunal-cum-Principle Sub Court, Tenkasi.

2.The appellant / claimant filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation



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of Rs.15,00,000/- on the ground that, on 06.03.2011 when the appellant was riding his motorcycle bearing registration No.TN-67-T-6212 in Courtallam to Tenkasi Road, near Nannagaram turning Katheeja Chicken shop, the vehicle owned by the second respondent insured with the third respondent was driven by its driver, who is the first respondent, in a rash and negligent manner and dashed against the appellant. Therefore, the appellant sustained injury and unconscious. Immediately, he was taken to the Government Hospital, Tenkasi and was given first-aid and thereafter, referred to Tirunelveli Medical College Hospital. Thereafter, he was shifted to private hospital and he undergone several surgeries. Finally, his right hand was amputated. On the complaint, FIR in Cr.No.126 of 2011 has been registered as against the appellant for the offences punishable under Sections 279 and 338 of IPC, on the file of the Inspector of Police, Courtallam Police Station. Due to the injuries sustained by the appellant, he filed a claim petition.



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3. On the side of the claimants, P.W.1 & P.W.2 were examined and Exs.P1 to P17 were marked. On the side of the respondents, RW1 to RW3 were examined and Ex.R1 was marked. The Court witness document was marked as Ex.C1.

4. On perusal of the oral and documentary evidence, the Tribunal concluded that, the accident occurred only due to the rash and negligent driving of the appellant. Therefore, the Tribunal awarded compensation of Rs.50,000/- to the appellant. Aggrieved by the same, the appellant / claimant filed this appeal challenging the liability and the quantum of compensation.



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5. The learned counsel for the appellant submitted that, although the FIR was registered against the appellant and a charge sheet was filed, the appellant was ultimately acquitted. The mere registration of an FIR and filing of a charge sheet did not necessarily imply that the accident was solely due to the rash and negligent driving of the appellant. The tribunal failed to consider the circumstances surrounding the accident and did not properly assign negligence to the first respondent.

6. The learned counsel appearing for the third respondent would submit that the insurance coverage for the said vehicle owned by the second respondent with this third respondent was not in force and vogue at the time of accident and hence, the third respondent is not liable to indemnify the second respondent.

7. The learned counsel appearing for the fourth respondent would submit that due to rash and negligent driving of the appellant



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and his non-observation of the traffic rules would alone be the cause for the alleged accident and as such, the appellant is the tortfeasor.

8. On perusal of the records, it was revealed that the appellant drove his motorcycle on the wrong side (right hand side) and dashed against the opposite vehicle, which was driven by the first respondent. Therefore, the first respondent lodged a complaint, which was registered in Cr.No.126 of 2011 for the offences punishable under Sections 279 and 338 of IPC, on the file of the Inspector of Police, Courtallam Police Station. After completing the investigation, the investigating officer filed a final report, which was subsequently taken cognizance of by the trial court. Although the trial court acquitted the appellant, no contrary evidence was presented by the appellant to prove that the accident occurred solely due to the rash and negligent driving of the first respondent. Therefore, the tribunal correctly concluded that the accident was caused by the rash and negligent driving of the appellant and



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justifiably awarded compensation of Rs. 50,000/- under the personal accident liability against the fourth respondent.

9. In view of the above, this Civil Miscellaneous Appeal is dismissed. The judgment and decree passed in M.C.O.P.No.216 of 2012, by the Motor Accident Claims Tribunal-cum-Principle Sub-Court, Tenkasi, dated 22.01.2019 are confirmed. The fourth respondent is directed to deposit the award amount along with proportionate interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. The appellant is permitted to withdraw the award amount by filing formal petition before the tribunal. No costs.

[G.K.I.J.] & [R.P.J.,]
13.02.2026

NCC :Yes/No
Index :Yes/No
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WEB COPY To

- 1.The Motor Accident Claims Tribunal-cum-
Principle Sub-Court, Tenkasi
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND
R. POORNIMA, J.

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