



CMA(MD). No.315 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.03.2026

CORAM

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CMA(MD). No.315 of 2026
and
CMP(MD)No.2883 of 2026**

Cholamandalam M/s. General Insurance
Company Ltd.,

Represented its Branch Manager,
Divisional National Highway Road,
No.7, Kalavasal, Madurai.

... Appellant

Vs.

1. Saravanadevi,
2. Vettaian,
3. Periyapalu,

... Respondents

PRAYER :-Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award dated 26.11.2024 passed in M.C.O.P No.534 of 2021 on the file of the Motor Accident Claims Tribunal, VI Additional District Judge (FAC), Madurai and to allow the Civil Miscellaneous Appeal.



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For Appellant : Ms.K.R.Shivashankari

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JUDGMENT

P.B.BALAJI,J.

The Insurance Company is on appeal, challenging the award of the Motor Accident Tribunal (VI Additional District Judge), Madurai, awarding a compensation of Rs.21,40,200/-, together with interest at the rate of 7.5% per annum, from the date of filing of the claim petition, till the date of realization.

2. We have heard Ms. K.R. Shivasankari, learned counsel for the appellant and we have also perused the records filed by way of typed set of papers, including the impugned award of the Tribunal.

3. For the sake of convenience, the parties are referred to as per their rank before the Tribunal.

4. Brief facts leading to the present appeal:

On 27.09.2020, at about 18.15 hours, the deceased Vinothkumar was riding his motorcycle bearing Registration No.TN-64-U-9456 on the



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extreme left side of Madurai to Aruppukkottai National High Way and as he was nearing SSR Crusher, the first respondent's TATA Ace vehicle was stationed on the road without any parking lamp or indications. The deceased Vinothkumar dashed against the stationed vehicle and sustained fatal injuries. A Criminal case was registered against the first respondent's driver in Crime No.969 of 2020 at Koodakovil Police Station under Sections 279 and 304-A IPC. The claimants are the parents of the deceased, who died as a Bachelor.

5. The claim was resisted by the appellant / Insurance Company contending that the driver of the first respondent was driving the TATA Ace vehicle slowly and on the left side of the road, with due signals and it was only the deceased Vinothkumar, who drove the motorcycle in a rash and negligent manner, and while attempting to overtake the first respondent's vehicle, lost control over the vehicle and dashed on the rear side of the first respondent's vehicle.



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6. Before the Tribunal, father of the deceased examined himself as P.W.1 and one Selvam an eye witness was examined as P.W.2 and Exhibits P1 to P14 were marked on the side of the claimants. On the side of the respondents, the driver of the first respondent's vehicle was examined as R.W.1. However, no exhibits were marked on the side of the respondents.

7. The Tribunal, after considering the oral and documentary evidence brought on record by the parties, allowed the claim petition and awarded a sum of Rs.21,40,200/-, payable equally to the father and mother of the deceased, together with interest at the rate of 7.5% per annum, from the date of filing of the claim petition.

8. Aggrieved by the same, the Insurance company has filed the present Civil Miscellaneous Appeal.

9. Ms.K.R. Shivasankari, learned counsel for the appellant would state that the deceased Vinothkumar did not possess a valid driving



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licence and was not wearing helmet and therefore, he had contributed to the accident, which has not been taken out by the Tribunal. She would further contend that the driver of the first respondent's vehicle has clearly spoken about the fact that he was driving the vehicle slowly and only because the deceased was driving the motorcycle in a rash and negligent manner, the accident occurred. She would further state that the criminal case against the driver of the first respondent ended in acquittal and the Tribunal should have believed the evidence of R.W.1 and disbelieved the evidence of the alleged eye witness P.W.2.

10. We have carefully considered the arguments advanced by the learned counsel for the appellant.

11. The short point that needs to be addressed in this appeal is as to whether the first respondent's driver had suddenly stopped the vehicle on the Highways, without switching the parking lamp and which had taken the deceased Vinothkumar by surprise, resulting in the fatal accident.



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12. To prove the accident – P.W.2, one Selvam has been examined.

He has stated that the first respondent's vehicle was stationed in the middle of the road without any parking lamp and therefore, the deceased dashed against the stationed vehicle, resulting in the death of the said Vinothkumar.

13. We have perused the evidence of eye-witness – P.W2. In his cross examination, he has stated that he was also travelling in the same road in his vehicle and that at the time of accident, it had already become dark. He has also stated that he could identify the said Vinothkumar because he was not wearing a helmet. P.W.2 has also denied the suggestion that the first respondent's vehicle driver was driving the vehicle cautiously and while attempting to overtake the first respondent's vehicle, it was only the deceased Vinothkumar, who was driving the motorcycle rashly.



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14. Though the driver of the first respondent has been examined as R.W.1, he has admitted that he has not given any complaint in respect of the accident. Though he claims that he has been acquitted in the criminal case, nothing has been brought on record before the Tribunal, to substantiate the said oral assertion made by R.W.1 .

15. In our considered opinion, the Tribunal has rightly assessed the oral and documentary evidence and came to the conclusion that the accident was proved by the evidence of eyewitness P.W.2; the driver of the first respondent was the cause for the accident, having stopped the vehicle without any parking lamp or other indications in the middle of the road; the order acquitting R.W.1 in the criminal case has not been filed and ultimately found that the accident had occurred only due to the negligence of the first respondent's vehicle. We do not find any justifiable grounds to interfere with the well-considered findings arrived at by the Tribunal with regard to fixing liability.



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16. Even with regard to the compensation awarded, the Tribunal has taken note of the decision of the Hon'ble Supreme Court in ***Sarla Verma & others V. Delhi Transport Corporation & another*** reported in 2009 (6) SCC 121 and ***National Insurance Co. Ltd V. Pranay Sethi*** reported in (2017) 16 SCC 680, in arriving at a total compensation of Rs.21,40,200/-. The Tribunal has also deducted 10% taking into account, the evidence of the eyewitness that the deceased was not wearing helmet. Therefore, even with regard to the quantum, we do not see any error committed by the Tribunal, warranting interference in the appeal.

17. For all the above reasons, we find no merit in this Appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs and the award passed by the Motor Accident Tribunal (VI Additional District Judge), Madurai, is hereby confirmed, The appellant / Insurance Company is directed to deposit the entire award amount from the date of filing of the claim petition till the date of realization, less the amount, if



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any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the claimants are permitted to withdraw their share as apportioned by the Tribunal, after filing appropriate application. Consequently, connected Miscellaneous Petition is closed.

(N.A.V.J.) & (P.B.B.J)

06.03.2026

Internet : Yes
Index:Yes/No
Neutral Citation:Yes/No
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TO

1. The Motor Accident Claims Tribunal,
VI Additional District Judge (FAC),
Madurai

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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