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CMA.(MD)No.210 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved	25.10.2025
Date of Pronounced	06.01.2026

CORAM

The Hon'ble Ms.Justice **R.POORNIMA**

CMA(MD)No.210 of 2014

P.A.Sekar @ P.Arulsekhar : Appellant/1st Respondent

Vs.

1.V.Venkataramani : R1/Petitioner

2.S.Ramesh : R2/2nd Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decretal order, dated 20.08.2013 passed in MCOP No.236 of 2005 on the file of the Motor Accidents Claims Tribunal/Sub Court, Srivilliputhur.

For Appellant : Mr.S.Rajasekar

For R1 and R2 : Ex-parte,
Vide court order, dated 11.09.2025



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J U D G M E N T

This Civil Miscellaneous Appeal is preferred against the judgment and decretal order, dated 20.08.2013 passed in MCOP No.236 of 2005 on the file of the Motor Accidents Claims Tribunal/Sub Court, Srivilliputhur.

2.The brief case of the claimant are as follows:-

On 23.03.1999 at about 07.00 p.m., the petitioner was walking alone near Green School road, at that time, a TVS Suzuki Max two wheeler bearing Registration No.TN-28-Z-9402 came in a rash and negligent manner and dashed against the petitioner. Due to it, he sustained fracture on the left thigh bone and dislocation of left knee. He was taking treatment in the Government Hospital as inpatient between 01.04.1999 and 15.04.1999 and thereafter, taking treatment as inpatient in Nagarathina Hospital for two months and still he is taking treatment.

3. At the time of the accident, he was aged about 53 and doing catering work and also cloth selling business and thereby, earning Rs.3,000/- per month. The claim petition is filed by the petitioner seeking compensation of Rs.2,00,000/- for the injuries sustained by him in the alleged accident.



4. The first respondent filed a counter denying the entire allegation contained in the claim petitions; on hearing the scooter sound, due to his old age, the petitioner fell down and sustained injury and therefore, he is not liable to pay the any compensation and prayed for dismissal of the claim petition.

5. Before the Tribunal, on the side of the claimant, he was examined himself as P.W.1 and 11 documents were marked as Exs.P1 to P11. On the side of the respondents, 2 witnesses were examined as R.W.1 and R.W.2 and no document was marked. The Xerox copy of CD file in STC No.565 of 2000 on the file of the Judicial Magistrate No.1, Srivilliputhur, was marked as Ex.X1.

6. After considering the material evidence and records, the tribunal fixed the negligence at the ratio of 75% on the part of the driver of the offending vehicle and 25% on the part of the claimant and awarded a compensation of Rs.39,750/- and directed the respondents to pay the compensation amount together with interest @ 7.5% from the date of filing of the claim petition till the date of realization within a period one month.



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7. Aggrieved over the order of the Tribunal, this Civil Miscellaneous Appeal has been preferred by the appellant.

8. The learned counsel for the appellant contended that the accident occurred solely due to the rash and negligent act on the part of the claimant alone and negligence fixed on his part is wrong and that the appellant has already acquitted in the above said accident case in STC No.565 of 2000 on the file of the Judicial Magistrate No.1, Srivilliputhur and therefore, the award of the Tribunal is to be set aside and the appeal is to be allowed.

9. This court considered the rival submission of the learned counsel appearing on either side and perused the materials available on record.

10. As contended by the learned counsel for the appellant, the Tribunal failed to consider the fact that he had already been acquitted in the criminal case by the learned Judicial Magistrate. Further the Accident was covered with full of pits and had a raised elevation, due to which the vehicles could be driven at a slow speed, leaving no scope,



negligence driving. The accident occurred solely due to the sudden fall of the 1st respondent, injured and not because of any negligent act on the part of the appellant.

11. On perusal of record and evidence, it is clear that the claimant sustained injury and was admitted in the hospital. The Accident Register marked as Ex.P2 clearly shows that he sustained grievous injuries. The Tribunal came to the conclusion that the road at which the accident occurred is full of pits and raised elevation as per the admission made by the injured person viz., 1st respondent based slowly on the assertion made by the claimant / 1st respondent. However, the claimant not filed any appeal against the order. The Tribunal disbelieved the case that injuries could have been caused by a fall, and instead held that the injuries were sustained due to head on collision. The Tribunal further held that the appellant being the driver of the vehicle viz., the appellant ought to have exercised caution and stop the vehicle after noticed the injured instead, he hit the respondent and thereby acting negligently and was consequently held responsible for 75% of compensation which is proper. The acquittal of the appellant in the criminal case, does not absolved him from the liability. In the criminal case, the learned Judicial Magistrate held that the prosecution failed to prove the guilt of the



accused beyond all reasonable doubt and accordingly, acquitted of the charges.

12. The trial Court clearly observed that the brother of the appellant was serving as a Sub Inspector of Police in the nearby police station, and therefore, there was every possibility of his influence in improper investigation. On that basis, the trial Court, disbelieved the defence and held the appellant liable to pay 75% contribution. This Court also found that the appellant's brother was serving as a Sub Inspector of Police in the nearby police station at the time of accident. Further, the appellant failed to receive service of summons in the criminal case also showed as absconding accused, thereby lodged the claim for a prolonged period, he failed to produce the insurance certificate as well as driving license. The Motor Vehicle Inspection report produced by the claimant also shows that the appellant failed to produce both the insurance certificate and driving license. Even during trial, he failed to produce the same. It further reveals that the appellant subsequent to the accident, he joined service in the police as well, therefore, mere acquittal in criminal case does not absolve the appellant of civil liability, and the surrounding circumstances clearly established that he was also responsible for the accident and the trial Court properly held him to pay 75% compensation.



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This Court does not find any illegality in the order passed by the Tribunal. The Civil Miscellaneous Appeal deserves no merit and the same is liable to be dismissed.

13. In the result, the Civil Miscellaneous Appeal is dismissed, and the order dated 20.08.2013 passed in MCOP No.236 of 2005 on the file of the Motor Accidents Claims Tribunal/Subordinate Court, Srivilliputhur is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

06/01/2026

Index:Yes/No
Internet:Yes/No
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To

- 1.The Motor Accident Claims Tribunal/
Sub Court, Srivilliputhur.
- 2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J

er/rm

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