



C.M.A(MD)No.571 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 04.11.2025

Pronounced on : 19.01.2026

CORAM:

THE HONOURABLE MS.JUSTICE R.POORNIMA

C.M.A.(MD)No.571 of 2014

and

M.P.(MD)No.1 of 2024

The Branch Manager,

M/s.United India Insurance Company Limited,

Railway Feeder Road,

Virudhunagar & District.

... Appellant/ 2nd Respondent

Vs.

1.Onnalagu (died)*

...1st Respondent / Petitioner

2.Mouna Guru

...2nd Respondent / 1st Respondent

3.O.Jeyamari

4.O.Suresh Kumar

5.O.Suganya

...Respondents 3 to 5

(Respondents 3 to 5 are brought on record as Lrs. of the deceased 1st respondent vide Court order dated 28.10.2021 made in CMP.(MD)Nos.7984 to 7986 of 2021)



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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the fair and decretal order dated 12.07.2013 made in M.C.O.P. No.114 of 2012 on the file of the Subordinate Court, Motor Accident Claims Tribunal, Virudhunagar, and allow this Civil Miscellaneous Appeal.

For Appellant : Mr.B.Rajesh Saravanan

For Respondents : Mr.S.Poornachandran – for R3 to R5
died – R1 (steps taken R3 to R5 Lrs.)
given up – R2

JUDGMENT

The appellant/2nd respondent Insurance company has filed this Civil Miscellaneous Appeal against the fair and decretal order dated 12.07.2013 made in M.C.O.P.No.114 of 2012 on the file of the Subordinate Court, Motor Accident Claims Tribunal, Virudhunagar.

2.The brief case of the claimants is as follows:-

(i) On 10.01.2012 at about 8.30 p.m., the petitioner was travelling as a pillion rider, in a motor-cycle bearing Registration No.TN-67-AX-3012, in Kundayeruppu to Alangulam keeping the left



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side in the road. When the motor cycle came near Karisal Pastor's Hostel, a tractor bearing Registration No.TN-59-Y-2527 with a trailer bearing Registration No.TN-67-S-2769 came from the opposite direction, in a rash and negligent manner and hit against the motor cycle. The petitioner sustained multiple grievous injuries all over the body. He was taken to Meenakshi Mission Hospital, Madurai and took treatment as inpatient from 11.01.2012 to 27.01.2012 and from 25.02.2012 to 05.03.2012. Surgery was done and iron plate was fixed, on the left leg. The petitioner was permanently disabled in the accident.

(ii) The 1st respondent is the owner and the 2nd respondent is the insurer of the tractor and trailer. The petitioner was working as Special Sub-Inspector of Police in Alangulam Police station and earning a monthly salary of Rs. 29,000/-. Since the accident happened because of the rash and negligent driving of the tractor and trailer, both the respondents are jointly and severally liable to pay a compensation amount of Rs. 5,00,000/- to the petitioner.

(iii) Over the occurrence, a case in crime number. 23 of 2012 registered by the Alangulam Police Station, and the same was pending before the Judicial Magistrate, Sattur.



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3. The second respondent Insurance company filed counter statement disputing the liability and quantum of compensation by contending that the accident happened due to the negligence and carelessness of the driver of the Hero Honda Motor-cycle. It is further contended that the motor cycle without minding the vehicles coming on the opposite direction, suddenly crossed the main road and dashed against the tractor. The contributory negligence of the motor-cycle is also cause for the accident. Therefore the 2nd respondent is not liable to pay compensation for the accident.

4. During trial, on the side of the petitioner, P.W.1 to P.W.3 were examined and Exs.P1 to P10 were marked. On the side of the respondents, R.W.1 and R.W.2 were examined and Exs.R1 and R2 were marked.

5. Upon consideration of the materials available on record, both oral and documentary, the Tribunal awarded a sum of Rs.2,01,200/- and directed the second respondent to pay the award amount within a period of two months, along with interest @ 7.5% pa from the date of petition till the date of realisation.



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6. Aggrieved by the said award, the Insurance Company filed this appeal contending that the accident was occurred on 10.01.2012 and rough sketch was prepared on 21.01.2012. The accident was occurred by rider of bike alone and not by driver of the 2nd respondent. The driver of 2nd respondent/insured was acquitted by the Criminal Court in proper manner. The accident was occurred due to negligent driving of bike rider and exonerated this appellant. The Tribunal wrongly awarded higher compensation on all heads, which is not proper and liable to be set aside.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. Now, this Court has to decide the following point for consideration:-

(1) whether the order passed by the Tribunal is proper or liable to be set aside ?

9. Point No.1

The principal ground urged by the appellant is that the driver



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of the tractor was acquitted by the trial Court, which according to the appellant establishes that the driver of the insured vehicle was not responsible for the accident. The driver of the tractor was examined as R.W.1, deposed that he had been acquitted of all the charges, however the copy of acquittal order not produced. However, the Investigating Officer of the insurance company was examined as R.W.2, stated that the criminal case against the driver of the tractor was still pending. The appellant contended that the driver of the vehicle was acquitted of the charges on the ground of no fault, however, the copy of acquittal order was not produced to substantiate the contention.

10. The Tribunal relied upon the rough sketch which was marked as Ex.R1 in which it shows that the accident occurred on the Southern side of the East-West road. According to P.W.1/claimant, he was travelling as a pillion rider in Hero Honda Motorcycle bearing Registration No.TN-67-AX-3012 proceeding from East to West. When the two wheeler was nearing Karisal stay house, the tractor-trailer bearing Registration No.TN-59-Y-2527 driven by its driver in rash and negligent manner dashed against the two wheeler. As a result of the said impact, he sustained grievous injuries. Perusal of the rough sketch clearly



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indicates that the accident occurred on the southern side of the road, whereas the vehicles proceeding from west to east are required to travel only on the northern side. However the rough sketch reveals that the insured vehicle which ought to have been driven on the north east side cast over the wrong side of the road and collided with the vehicle in which the claimant was travelling on the correct side. Thereby the accident was caused solely due to his act, which clearly establishes that the negligence rests entirely on his part. At present the appellant has contended in the grounds of appeal that the rough sketch was prepared belatedly, however, such contention ought to have raised before the criminal Court and not for the first time before this Court. Further, the driver of the insured vehicle did not lodge any complaint against the rider of the two wheeler alleging negligence on his part, on the contrary, the FIR was registered against the driver of the insured vehicle viz., tractor.

11. Considering the above facts and circumstances, the Tribunal rightly held that the insured vehicle was responsible for the negligent act and consequently, directed the appellant-insured to satisfy the compensation. The finding of the Tribunal is proper and does not warrant any interference.



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12. Further, the compensation awarded by the Tribunal, based on the documentary evidence, viz., discharge summary, medical bills, receipts issued by the Doctor and the testimony of the medical expert and the Tribunal has awarded only just compensation, which does not warrant any interference. The Civil Miscellaneous Appeal lacks merit and the same is liable to be dismissed. The Point No.1 is answered accordingly.

13. In the result, Civil Miscellaneous Appeal is dismissed and the order dated 12.07.2013 made in M.C.O.P. No.114 of 2012 on the file of the Subordinate Court, Motor Accident Claims Tribunal, Virudhunagar, is hereby confirmed. No costs. Consequently, connected miscellaneous petition is closed.

19.01.2026

Index : Yes / No
NCC : Yes / No

RM



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To

1. The Subordinate Court,
Motor Accident Claims Tribunal,
Virudhunagar.

Copy to

1. The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

RM

Judgment in

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