

C.M.A.(MD)No.1219 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 06.04.2026

Pronounced on : 12.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.1219 of 2024
and
C.M.P.(MD)No.12783 of 2024

The Branch Manager,
The Oriental Insurance Company Limited,
3607/21, Second Floor,
Sathiyamoorthy Road,
Pudukkottai-622001.

... Appellant/
2nd Respondent

Vs.

1.Murugaiyan

... 1st Respondent/
1st Petitioner

2.A.Mohan

... 2nd Respondent/
2nd Petitioner

3.Tamilselvi

... 3rd Respondent/
3rd Petitioner

4.Sivakumar

... 4th Respondent/
1st Respondent



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Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the award dated 13.12.2022 passed in M.C.O.P.No.243 of 2013 on the file of learned Additional District Court, Pudukkottai, Pudukkottai District.

For Appellant : Mr.A.Ilango

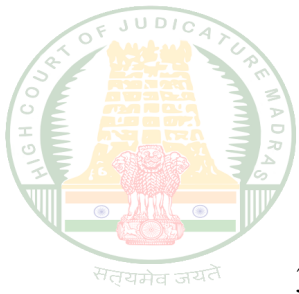
For Respondents : Mr.B.Jameel Arasu for R1 & R3

No appearance for R2 & R4

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.243 of 2013 dated 13.12.2022 on the file of the Motor Accident Claims Tribunal / Additional District Court, Pudukkottai.

2. The appellant / insurer, who was mulcted with liability to pay compensation of Rs.14,44,950/- (Rupees Fourteen Lakhs Forty Four Thousand Nine Hundred and Fifty only) with interest at 7.5% per annum and costs to the respondents 1 to 3 / claimants for the death of Alagu, consequent to an accident occurred on 22.01.2012, challenged the liability fastened on it.

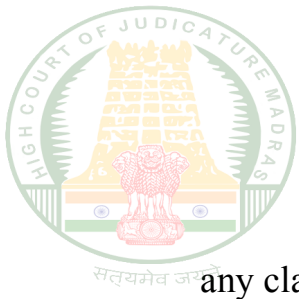


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3. The case of the respondents 1 to 3 / claimants is that on 22.01.2012 at about 07.45 p.m., the deceased Alagu was proceeding towards Peramanadu from Kezhapazhuvanchi and while nearing Myilappatti Vilakku, on the left side of west east road in a small bridge, a tractor bearing Registration No.TN-49-Z-1854, which came in a rash and negligent manner, dashed against the said Alagu and as a result of which, he sustained injuries all over his body and he was taken to Pudukottai Government Hospital and thereafter, he was admitted in KMC Hospital, Trichy and thereafter at Government Hospital, Trichy and despite treatment, he succumbed to the injuries on 23.01.2012 and that the accident was occurred only due to the rash and negligent driving of the tractor driver.

4. The defence of the appellant / insurer is that the vehicle of the fourth respondent was not at all involved in the accident, that since the driver of the fourth respondent and the respondents 1 to 3 / claimants belong to the same village, they colluded together and filed the claim petition to get compensation and that the fourth respondent's vehicle was not at all involved and the respondents 1 to 3 / claimants are not liable for

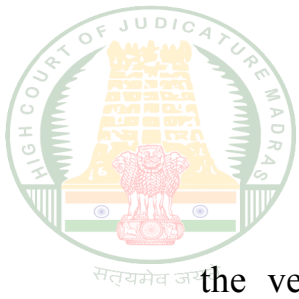


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any claim.
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5. During trial, the respondents 1 to 3 / claimants examined the first respondent / first claimant as P.W.1 and one Rajendran as P.W.2 and exhibited 4 documents as Ex.P.1 to Ex.P.4. The fourth respondent / first respondent had remained *ex-parte*. The appellant / insurer examined the Junior Assistant attached to the Regional Transport Office, Pudukottai Thiru.Selvaraj as R.W.1 and their Branch Manager Thiru.Paramathayalan as R.W.2 and exhibited 1 document as Ex.R1. 2 witness documents came to be exhibited as Ex.X1 and Ex.X2.

6. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned award dated 13.12.2022 holding that the fourth respondent's driver was responsible for the accident and that the fourth respondent / owner of the vehicle has allowed a person to drive his vehicle without driving license and thereby has violated the policy condition, directed the appellant / insurer to pay compensation of Rs.14,44,950/- with interest and costs and then to recover the same from the fourth respondent / owner of



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the vehicle. Aggrieved by the said impugned award, the insurer has preferred the present appeal.

7. It is pertinent to note that the main defence of the appellant / insurer is that the insured vehicle was not at all involved in the accident and that the insured vehicle's driver did not possess valid driving license at the time of accident.

8. No doubt, as rightly pointed out by the learned counsel appearing for the appellant / insurer, on the basis of the complaint lodged by the first respondent / first claimant, son of the deceased, FIR came to be registered in Crime No.7 of 2012 on the file of Annavasal Police Station under Section 304(A) IPC, marked as Ex.P1 and whereunder, it has been alleged that an unknown vehicle had caused the accident. However, it is evident from the records that the jurisdictional police, after completing the investigation, filed a final report stating that the tractor bearing Registration No.TN-49-Z-1854 owned by the fourth respondent was involved in the accident and that one Pandian, tractor driver drove the vehicle in a rash and negligent manner and caused the accident. It is



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pertinent to note that the accused Pandian appeared before the jurisdictional criminal Court and pleaded guilty and as a result, he was convicted and fine was levied on him. Admittedly, the appellant / insurer has not specifically disputed the said factum.

9. The learned counsel appearing for the appellant / insurer would rely on a decision of this Court in ***National Insurance Company Ltd., Vs. Periyakkal and others*** in ***C.M.A.(MD)No.849 of 2017 dated 19.06.2023***, wherein also, the insurer has taken a stand that the insured vehicle was not involved in the accident. In the said case, the cleaner of the offending vehicle appeared before the police six months after the accident and gave a voluntary statement alleging that their vehicle was involved in the accident and that, this Court not believing the words of the cleaner, who was examined as R.W.2 and by observing that the claimants have not produced any evidence to connect the said vehicle with the accident, allowed the appeal and thereby dismissed the claim petition. Moreover, the insurer in the said case has taken a stand that after implicating the first respondent's lorry in the alleged accident, they have also referred the case to CBCID, Trichy for reinvestigation and the same was pending.



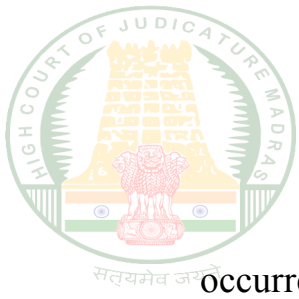
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10. In the case on hand, as rightly pointed out by the learned counsel appearing for the respondents 1 and 3, they examined the occurrence witness as P.W.2 and he deposed about the manner of accident and the involvement of the vehicle in question. In the present case, it is not the case of the appellant / insurer that they have also referred the present case to CBCID for reinvestigation.

11. Moreover, though the appellant / insurer has alleged that the fourth respondent's vehicle was not involved, they have not chosen to examine the fourth respondent / owner of the vehicle or its driver. There is absolutely no evidence adduced by the appellant / insurer to show that the fourth respondent's tractor was falsely implicated in the accident.

12. Merely because the First Information Report was initially registered against an unknown vehicle driver, it cannot be automatically concluded that the case falls within the category of a "hit-and-run" accident. It is well settled that an FIR is only intended to set the criminal law in motion and that it is for the jurisdictional police to conduct a proper investigation and ascertain the true facts and circumstances of the



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occurrence. As already pointed out, upon completion of the investigation, the jurisdictional police identified the fourth respondent's tractor as the vehicle involved in the accident and filed a final report against the tractor driver. It is not in dispute that the said driver pleaded guilty before the jurisdictional Magistrate Court and was consequently convicted.

13. Considering the entire evidence available on record, the Tribunal has rightly come to the conclusion that the accident occurred solely due to the rash and negligent driving of the tractor driver and that the said finding cannot be found fault with.

14. It is pertinent to mention that the appellant / insurer has not challenged the quantum of compensation awarded at by the Tribunal.

15. The appellant / insurer has also not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs.



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16. In the result, this Civil Miscellaneous Appeal is dismissed. The appellant / insurer is directed to deposit the award amount with interest at 7.5% per annum and costs from the date of petition till the date of realization to the credit of M.C.O.P.No.243 of 2013 on the file of Motor Accident Claims Tribunal / Additional District Court, Pudukottai, after deducting the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. Thereafter, the appellant / insurer is permitted to recover the same from the fourth respondent / first respondent as per law. On such deposit being made, the respondents 1 to 3 / claimants are permitted to withdraw their shares as per the apportionment fixed by the Tribunal together with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. Parties are directed to bear their own costs.

12.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To
1.The Additional District Judge,
Motor Accident Claims Tribunal, Pudukkottai.

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K.MURALI SHANKAR,J.

csn

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

Pre-Delivery Judgment made in
C.M.A.(MD)No.1219 of 2024
and
C.M.P.(MD)No.12783 of 2024

Dated : 12.06.2026