



C.M.A(MD)No.1310 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2026

CORAM:

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

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The Oriental Insurance Company Limited,
Represented through its Manager Administration,
A-25/27, Asharafali Road,
New Delhi. ... Appellant/2nd Respondent

-VS-

1.Rameshkumari ... 1st Respondent/1st Petitioner
2.Dharmaraj ... 2nd Respondent/2nd Petitioner
3.Minor.Logeshwari ... 3rd Respondent/3rd Petitioner
4.Seenithai ... 4th Respondent/4th Petitioner
5.Devi ... 5th Respondent/1st Respondent

(Minor R3 represented by R1)



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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to set aside the award dated 21.09.2023 passed in M.C.O.P.No.86 of 2018 on the file of the learned Motor Accident Claims Tribunal / Sub Court, Uthamapalayam, Theni District.

For Appellant : Mr.A.Ilango

For Respondents : No appearance

JUDGMENT

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

This Civil Miscellaneous Appeal arises out of the award passed in M.C.O.P.No.86 of 2018 on the file of the learned Motor Accident Claims Tribunal / Sub Court, Uthamapalayam, Theni District.

2.The respondents 1 to 4 filed a claim petition seeking compensation for a sum of Rs.50,00,000/- on the ground that on 01.08.2017 at about 02.15 a.m., when the deceased and two others were proceeding in their Bolero car bearing Registration 2/10



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No.TN-09AX-2911 from Chinnamanur towards Uthamapalayam main road near Vempadikalam, travelling in the southern direction, the Tempo bearing Registration No.TN-KL-26F-7475, owned by the fifth respondent and insured with the appellant, was driven by its driver in a rash and negligent manner and dashed as against the deceased vehicle coming from the opposite direction. As a result, the deceased and two others sustained injuries. On the complaint, the Inspector of Police, Chinnamanur Police Station registered an F.I.R in Crime No.483 of 2017 for the offences punishable under Sections 279, 337 and 304(A) of I.P.C as against the driver of the vehicle insured with the appellant herein. After completion of the investigation, a final report was filed as against the driver of the offending vehicle.

3.In order to prove the claim, the claimants examined P.W. 1 and marked Exs.P1 to P12. On the side of the respondents, no one was examined and no documents were marked.

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4.On perusal of the oral and documentary evidence, the Tribunal allowed the claim petition and awarded compensation to the tune of Rs.24,02,600/-. Aggrieved by the same, the present appeal has been preferred by the Insurance Company.

5.The learned counsel appearing for the appellant raised only one ground, namely, that the accident was a head-on collision and therefore, the entire negligence could not be fastened on the vehicle insured with the appellant. In support of his contention, he relied upon the Motor Vehicle Inspection reports which were marked as Ex.P.4 and Ex.P.5 as well as the rough sketch.

6.On perusal of the records, it is revealed that the deceased was driving the Bolero car bearing Registration No.TN-09AX-2911, along with two others, from Chinnamanur to Uthamapalayam main road near Vempadikalam, travelling southwards. At that time, the



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Tempo bearing Registration No.TN-KL-26F-7475, insured with the appellant, was driven by its driver in a rash and negligent manner and dashed against the deceased vehicle. As a result, the deceased sustained grievous injuries and succumbed to the same and two others also sustained injuries. On the complaint, the Inspector of Police, Chinnamanur Police Station registered the F.I.R in Crime No. 483 of 2017 for the offences punishable under Sections 279, 337 and 304(A) of I.P.C.

7.Immediately after the accident, both vehicles involved were subjected for Motor Vehicle Inspection. The Motor Vehicle Inspection report of the deceased vehicle was marked as Ex.P.5 and that of the Tempo owned by the fifth respondent was marked as Ex.P.4. The entire front portion of the deceased vehicle was completely damaged, whereas the Tempo owned by the fifth respondent sustained comparatively lesser damage. This clearly indicates that the offending vehicle was driven by its driver in a rash



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and negligent manner and also in a speedy manner, resulting in greater damage to the deceased vehicle.

8.That apart, no occupant of the offending vehicle sustained any injury in the accident. Though the learned counsel appearing for the appellant relied upon the rough sketch prepared by the Investigating Officer, the same was not marked before the Tribunal. Even upon perusal of the rough sketch, it reveals that the deceased vehicle was driven by its driver slowly and was positioned in the middle of the road. The offending vehicle dashed against the deceased vehicle on the left-hand side of the road and all the parts of the deceased vehicle were found scattered on the left hand side of the road. Further, after completion of the investigation, the charge sheet was filed as against the driver of the offending vehicle. Hence, the Tribunal rightly concluded that the accident occurred solely due to the rash and negligent driving of the vehicle insured with the appellant and awarded compensation to the tune of Rs.24,02,600/-.



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Therefore, the Tribunal rightly awarded the compensation and there is no ground to interfere with the award passed by the Tribunal.

9.In fine, the award passed in M.C.O.P.No.86 of 2018 on the file of the learned Motor Accident Claims Tribunal / Sub Court, Uthamapalayam, Theni District, is confirmed. Accordingly, this Civil Miscellaneous Appeal is dismissed.

10.The appellant is directed to deposit the entire award amount with interest and costs, as awarded by the Tribunal, after deducting the amount already deposited, to the credit of the claim petition, within a period of six weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit, the respondents 1, 2 and 4/major claimants are permitted to withdraw their respective shares along with proportionate interest and costs by filing a formal permission petition before the Tribunal. The share of the third respondent/minor claimant shall be deposited in a

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Nationalised Bank in a fixed deposit until she attains majority. The interest accruing on such deposit shall be permitted to be withdrawn by the 1st respondent/mother of the minor claimant, once in three months directly from the bank. No costs.

**[G.K.I.J.] & [R.P.J.,]
08.01.2026**

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps



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To

1.The Motor Accident Claims Tribunal
Sub Court,
Uthamapalayam,
Theni District.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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