



C.M.A.No.559 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.559 of 2026

C.Jeeva

... Appellant

Vs.

1. T.Gunasekaran
2. National Insurance Company Ltd.,
S.P.Complex, Rajamani Thottam,
Salem-Bhavani Main Road,
Sankagiri.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award passed by the Motor Accidents Claims Tribunal, Subordinate Judge, Omalur, in MCOP No.275 of 2018 dated 20.12.2024 and pass an award against the second respondent to pay and recover from the first respondent, the owner of the lorry.

For Appellant : Mr.S.Kumara Devan

For Respondents : Mr.S.Senthilkumar for R2

No Appearance for R1

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the award passed by the learned Subordinate Judge, Motor Accident Claims Tribunal, Omalur, in MCOP No.275 of 2018 dated 20.12.2024.



C.M.A.No.559 of 2026

WEB COPY

2. The case of the claimant is that on 26.04.2018, the claimant was riding a two wheeler at Salem – Tharamangalam road and at about 4.50 p.m, the offending vehicle viz., a Tata 407 vehicle came from behind and was driven in a rash and negligent manner and it dashed on the rear side of the two wheeler. As a result of which, the claimant was thrown out of the vehicle and he sustained grievous injuries. An FIR came to be registered in Crime No.258 of 2018 against the driver of the offending vehicle, based on the complaint given by the father of the claimant. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the claimant was a minor aged about 17 years. At the time of the accident, the claimant was riding the vehicle without a valid driving license and therefore, the tribunal attributed the entire negligence against the minor. In view of the same, the claim petition came to be dismissed by the Tribunal. Aggrieved by the same, the present appeal has been filed before this Court.

4. Heard Mr.S.Kumara Devan, learned counsel for appellant and Mr.S.Senthil Kumar, learned counsel for the 2nd respondent.



C.M.A.No.559 of 2026

WEB COPY 5. This Court carefully considered the submissions made on the side of the appellant and the materials available on record.

6. This Court also carefully went through the award passed by the Tribunal.

7. In the case in hand, the claimant was aged about 17 years at the time of the accident. He had ridden the two wheeler without a valid driving license. The evidence of PW2, who was the eye witness in this case shows that the offending vehicle had come from behind and dashed against the rear side of the two wheeler that was ridden by the claimant. The evidence of PW2 has not been discredited and there is no contra evidence available on the side of the insurance company. The owner of the offending vehicle, who is the 1st respondent also remained exparte. In view of the same, the Tribunal ought to have acted upon the evidence of PW2, who was the only eyewitness in this case.

8. It is now too well settled that driving a vehicle without a valid license by itself does not constitute negligence unless the rider of the vehicle was also responsible for the accident. In this case, the offending vehicle had

3/6



C.M.A.No.559 of 2026

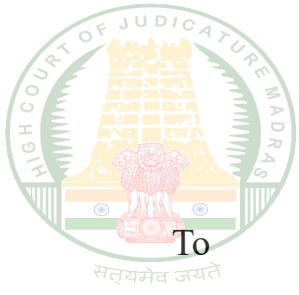
hit the two wheeler on the rear side and that is the reason why, the accident had taken place. Therefore, there cannot be any contributory negligence on the part of the rider of the two wheeler.

9. In the light of the above discussion, the finding rendered by the Tribunal dismissing the claim petition only on the ground that the rider of the two wheeler did not possess a valid driving license, is liable to be set-aside by this Court and accordingly the same is set-aside. The matter is remanded back to the file of the Motor Accident Claims Tribunal, Sub Judge, Omalur and the learned Judge is directed to determine the compensation payable to the claimant after affording opportunity to both sides and the final award shall be passed within a period of three months from the date of receipt of a copy of this order.

10. In the result, this Civil Miscellaneous Appeal stands Allowed. No costs. The Registry is directed to send the original records to the Tribunal.

31.07.2026

Neutral Citation: Yes/No
RKA



C.M.A.No.559 of 2026

To

WEB COPY

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Omalur.
2. The Section Officer,
VR Section,
High Court of Madras.



WEB COPY



C.M.A.No.559 of 2026

N. ANAND VENKATESH, J.

RKA

C.M.A.No.559 of 2026

31.07.2026