

C.M.A(MD) No.517 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :21.04.2026

CORAM:

**THE HONOURABLE MR JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD) No.517 of 2026
and
C.M.P(MD) No.5272 of 2026**

National Insurance Company Ltd.,
1st Floor, Aruvi Block
St.Paul's Complex
Opp.Head Post Office
Bharthiyar Salai
Trichy - 620 001.

... Appellant/2nd Respondent

-VS-

- 1.K.Sangari
- 2.K.Krithika
- 3.K.Karthick
- 4.M.Anandhavalli
- 5.The Vice Chancellor,
SASTRA University
Thirumalaisamudram
Vallam, Thanjavur - 613 403.



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6.The New India Assurance Co.Ltd.

BR II, Juman Centre,
43 A/2, Promenade Road
Cantonment, Trichy - 620 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli, in M.C.O.P.No.137 of 2018, dated 27.11.2023.

For Appellant : Mr.Mr.D.Siva Raman

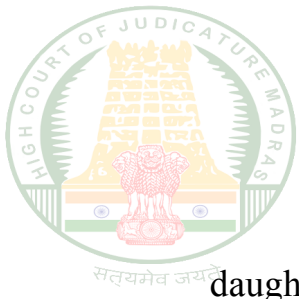
For Respondent : Mr.V.Sakthivel for R6

ORDER

(Order of the Court was made by **N.ANAND VENKATESH,J.**)

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli, in M.C.O.P.No.137 of 2018, dated 27.11.2023.

2. The respondents 1 to 3 are the claimants. The first respondent is the wife of the deceased; the second and third respondents are the



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daughter and son of the deceased. On 07.09.2017 at about 7.20 AM, the deceased, Muthusamy, was travelling as a pillion rider on a two-wheeler, which was driven by one Chandramouli. They were travelling on the main road from East to West at Trichy Vayalur Road. The offending vehicle, which was a Scorpio car, was coming from South to North and was entering the main road and it hit the two-wheeler, as a result of which, the deceased, who was the pillion rider, was thrown away 10 feet and unfortunately, he got under the wheel of the bus, which was coming from West to East on the same road and he died in the said accident. It is under these circumstances that the claim petition came to be filed before the Tribunal.

3. The Tribunal, on appreciation of evidence, came to the conclusion that the accident had happened only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the said findings, the Tribunal had fixed the total compensation of Rs.21,66,101/- under various heads as follows:



Particulars	Rupees
Loss of dependency	14,40,072/-
Future prospects	5,76,029/-
Loss of love and affection	1,20,000/-
Funeral expense	15,000/-
Loss of estate	15,000/-
Total	21,66,101/-

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the award passed by the Tribunal, the Insurance Company has filed the present appeal on the ground of both negligence as well as the quantum fixed by the Tribunal.

5. The learned counsel for the appellant submitted that the bus, which ran over the deceased was driven in a rash and negligent manner and it was coming on the wrong side of the road and therefore, there was certainly negligence on the part of the bus driver also and there is an element of contributory negligence, which ought to have been cast upon the bus driver. He further submitted that the Tribunal did not take into consideration the rough sketch, which was marked as Ex.X1 through



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RW3 and which clearly showed the manner in which, the accident had taken place and the amount of negligence on the part of the driver of the bus.

6. We have carefully gone through the findings of the Tribunal along with the deposition of the witnesses.

7. The Tribunal had considered the evidence of PW1 and PW2. PW2 is the eyewitness, who is the rider of the two-wheeler in which the deceased was travelling. He had specifically explained the manner in which, the accident took place and the rash and negligent manner in which, the Scorpio car was coming from South to North from a branch road into the main road. He had also explained the manner in which, the car had hit the two-wheeler, as a result of which, the deceased was thrown 10 feet away and unfortunately, he was caught under the wheels of the bus that was driven from West to East.



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8. The Tribunal also took into consideration the evidence of RW1, who is the driver of the car. The Tribunal found that this person was facing a criminal case and therefore, there is no way he is going to incriminate himself in this case. Thereafter, the Tribunal proceeded to deal with the evidence of RW2, who is the driver of the bus. He had deposed that at any given point of time, in that road, only two vehicles can pass. The Tribunal took into consideration Ex.X1, which was marked through RW3.

9. After appreciating all the above evidence, the Tribunal came to a definite conclusion that, if not for the rash and negligent driving on the part of the driver of the Scorpio car, the accident itself would not have taken place and, since the deceased was thrown out of the two-wheeler for nearly 10 feet, he was caught within the wheels of the bus, which was driven by the 3rd respondent and, therefore, the 3rd respondent vehicle cannot be said to be at fault for this accident. The above findings rendered by the Tribunal are on appreciation of evidence and we do not



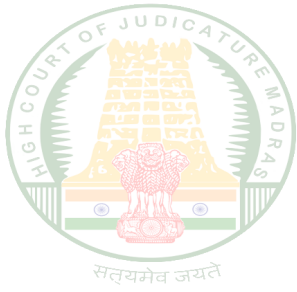
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find any perversity in the above findings rendered by the Tribunal and the same does not warrant the interference of this Court. Insofar as the question of compensation is concerned, the learned counsel for the appellant submitted that it is on the higher side.

10. We have carefully gone through the heads under which, the compensation has been granted and we find it to be a just and reasonable. It does not warrant the interference of this Court.

11. In the light of the above findings, this Court does not find any ground to interfere with the award passed by the Tribunal and accordingly, the present appeal stands dismissed. The Insurance Company shall deposit the entire compensation amount along with accrued interest within a period of six weeks from the date of receipt of a copy of this order.



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12. In the result, this Civil Miscellaneous Appeal is dismissed.

Consequently, the connected Miscellaneous Petition is also closed. No costs.

[N.A.V., J.] [K.K.R.K., J.]
21.04.2026

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

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Indu

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