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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved On	:	10.04.2026
Pronounced On	:	01.06.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD).No.888 of 2024andC.M.P.(MD).No.9558 of 2024

The Oriental Insurance Co., Ltd,
Rep through its
Branch Manager,
2nd Floor, Vijay Complex,
Theni Taluk,
Theni District.

... Appellant

Vs.

1.N.Manimegalai

2.Minor.N.Subash

3.Minor.N.Gowtham

(minor respondents 2 and 3 represented through their mother/natural guardian/1st respondent Manimegalai)

4.P.Murugan

5.K.Mariappan

... Respondents

Prayer:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 09.11.2018 passed in M.C.O.P.No.14 of 2015 on the file of the Motor Accident Claims Tribunal/Additional District Court (FTC), Theni.



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For Appellants : Mr.A.Ilango
For Respondents : Mr.K.Samidurai for R1 to R3
: Ms.K.R.Shivashankari for R5

J U D G M E N T

(Judgment of the Court was delivered by **K.K.RAMAKRISHNAN.J.**)

The appellant–Insurance Company has preferred the present appeal challenging the award dated 09.11.2018 passed in MCOP No.14 of 2015 on the file of the Motor Accident Claims Tribunal (Additional District Court), primarily disputing the finding on liability fastened upon the insured vehicle.

2.Facts of the case:

The case of the claimants is that on 06.02.2013 at about 7.30 p.m., the deceased, Nagaraj, while riding his two-wheeler bearing Registration No. TN-63-T-2966 (TVS 50) from Rangarajapuram towards Nagalapuram, met with a fatal accident near the Adikesavan cattle shed. It is alleged that a tractor, insured with the appellant and driven in a rash and negligent manner, dashed against the two-wheeler, as a result of which the deceased sustained grievous injuries and succumbed to the said injuries. Consequently, the dependents of the deceased, namely his wife and children, instituted a claim petition seeking



compensation of Rs.14,00,000/-. The appellant–Insurance Company resisted the claim by specifically disputing (i) the involvement of the insured vehicle, (ii) the manner of the accident, and (iii) the quantum of compensation claimed.

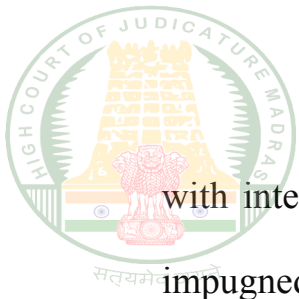
It was contended that the vehicle had been falsely implicated subsequent to the accident in order to make a claim.

2.1.Before the Tribunal, the claimants examined PWs 1 to 4 and marked Exhibits P1 to P9. On the side of the respondents, RWs 1 to 5 were examined and Exhibits R1 to R5 were marked.

3.Finding of the Tribunal:

Upon appreciation of the oral and documentary evidence, the Tribunal held that the insured tractor was involved in the accident and awarded a compensation of Rs.18,92,500/- on the following heads:

<i>Sl. No.</i>	<i>Heads</i>	<i>Amount in Rs.</i>
1	Transportation for taking the body	5,000/-
2	Funeral Expenses	15,000/-
3	Loss of consortium of 1 st petitioner	40,000/-
4	Maintenance of small minor children (2 children X Rs.2,00,000/- each)	4,00,000/-
5	Loss of Estate	15,000/-
6	Loss of Dependency	14,17,500/-
Total		18,92,500/-



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with interest at 7.5% per annum from the date of petition. Aggrieved by the impugned award, the appellant–Insurance Company has filed the present appeal.

4.Submission of the learned counsel appearing for the appellant:

The learned counsel for the appellant–Insurance Company contended that the First Information Report was initially registered against an unknown vehicle and that only after a considerable delay RW2 was implicated as the driver of the tractor. It was further argued that such belated implication casts serious doubt on the genuineness of the claimants' case, and that the Tribunal erred in fixing liability in the absence of cogent evidence establishing involvement of the insured vehicle.

5.Submission of the learned counsel appearing for the respondent:

Per contra, the learned counsel appearing for the claimants submitted that the involvement of the vehicle stood duly established through the consistent testimony of independent eyewitnesses (PWs 3 and 4). It was further contended that the Investigating Officer (examined as RW4) had, upon due investigation, identified the vehicle and filed the final report implicating the tractor driver. The delay in identification, it was argued, does not ipso facto



discredit the claimants' case, particularly when supported by substantive oral evidence.

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5.1.It was also contended that the acquittal in the criminal proceedings was not on the ground of non-involvement of the vehicle, but on account of failure to prove rash and negligent driving beyond reasonable doubt. Such acquittal, it is well-settled, does not operate as a bar to findings in motor accident claim proceedings, which are governed by the principle of preponderance of probabilities rather than proof beyond reasonable doubt.

5.2.In this context, the evidentiary value of the alleged communication (Ex.R4) said to have been issued by the driver disclaiming involvement was rightly disbelieved by the Tribunal, as the author thereof was neither confronted with the document nor admitted its contents during examination. Consequently, the said document cannot be accorded probative value.

5.3.On an overall appreciation of the evidence, particularly the testimony of independent witnesses and the findings of the Investigating Officer, the conclusion of the Tribunal regarding the involvement of the insured vehicle cannot be said to be perverse or unsupported by evidence. The Tribunal has applied the correct principle of standard of proof applicable to claim proceedings.

5.4.In view of the above, the finding of the Tribunal fastening liability



on the appellant–Insurance Company does not warrant interference, and the same is liable to be affirmed.

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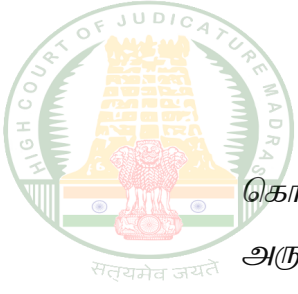
6. This Court considered the rival submissions made by the learned counsel appearing for the appellant and the learned counsel appearing for the respondents and perused the materials available on record.

7. The sole question that arises for determination in the present appeal is whether the contention of the appellant–Insurance Company that the insured vehicle was not involved in the accident is sustainable?

8. Discussion on the involvement of the appellant insured vehicle in the accident:

8.1.The occurrence of the accident on 06.02.2013 at about 7.30 p.m. is not in dispute. The case of the claimants, as spoken to by PWs 3 and 4, is that the tractor bearing Registration No.TN-60-F-6930, driven by RW2 in a rash and negligent manner, caused the accident resulting in the death of the deceased. For better appreciation, the deposition of P.W.3 is extracted as follows:

கடந்த 06.02.2013ம் தேதி நான் எனது ஆட்டோவை ஓட்டிக்



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கொண்டு சென்று, இரவு சுமார் 8 மணியளவில் ஸ்ரீரங்காபுரம் அருகில் உள்ள நகலாபுரம் சாலையில் உள்ள டாஸ்மாக கடை அருகில் நான் போய்க் கொண்டிருந்த போது, நான் எனது ஆட்டோவை மெதுவாக நிறுத்துவதற்காக ஒட்டிச் சென்றேன். அப்போது நான் ஒட்டிச் சென்ற ஆட்டோவிற்கு வலது பக்கத்தில் ஒரு டிராக்டரானது வேகமாக கடந்து சென்றது. நான் ஒட்டிச் சென்ற ஆட்டோவில் என்னுடன் எனது மைத்துனர் முருகனும் அமர்ந்து பயணம் செய்து வந்தார். மேற்படி டிராக்டர் வேகமாக எனது ஆட்டோவை கடந்து நென்ற சுமார் 5 நிமிடத்திற்குள் டமார் என்று சத்தம் கேட்டது. உடனே நான் எனது மைத்துனர் முருகனிடம் எதோ டமார் என்று சத்தம் கேட்கிறது என்று சொல்லி, சத்தம் கேட்ட இடத்தில் ஆட்டோவை ஒட்டிச் சென்று நிறுத்தி இறங்கிப் பார்த்த போது, அந்த இடத்தில் ஒரே இருட்டாக இருந்தது. அந்த இடத்தில் MIT இருசக்கர வாகனம் கீழே கிடந்தது. நாங்கள் விபத்து நடந்த இடத்தில் அந்த இருசக்கர வாகனத்தில் வந்தவரை தேடிப்பார்த்த போது அங்கிருந்த முப்புதரில் ஒரு நபர் இருந்தார். நானும் எனது மைத்துனரும் அவரின் இடது கையைப் பிடித்து தூக்கினோம். அவரின் இடது கையில் தோள் மட்டும் தொங்கிக் கொண்டிருந்தது. கை தனியாக வந்து விட்டது. எனது மைத்துனர் முருகன் காயம்பட்ட நபரின் தலையை தூக்கிப் பார்த்தார். அவரின் தலை முழுவதும் இரத்தக் காயம் ஏற்பட்டு இரத்தமாக இருந்தது. காயம்பட்ட நபர் குடிக்க தண்ணீர் வேண்டும் என்று கேட்டார். அப்போது அந்த இடத்தில் டிராக்டரை ஒட்டி வந்த ஓட்டுநரும் நின்று கொண்டிருந்தார். டிராக்டர் ஓட்டுநரிடம் குடிக்க தண்ணீர் கொண்டு வாருங்கள் என்று சொன்னேன். தண்ணீர் பாட்டிலை எடுத்து வருகிறேன் என்று சொல்லிச் சென்றுவிட்டார்.

8.2. P.W.4 also deposed in same line and corroborated with P.W.3. From the above evidence of Pws 3 and 4, it is clear that they noticed the tractor



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being driven in excessive speed, which drew their attention. Upon reaching the scene of occurrence, they found the deceased lying in the nearby bush in a grievously injured condition, at the brink of death. It is further borne out from their evidence that the driver of the tractor, examined as RW2, after the occurrence, was present in the scene of occurrence place and he allegedly instructed PWs 3 and 4 to provide water to the injured and thereafter he left the place abruptly. The testimony of PWs 3 and 4, who are independent eyewitnesses, is cogent, consistent, and free from material contradictions. The conduct of RW2 in leaving the scene hurriedly after the occurrence, coupled with the surrounding circumstances spoken to by the independent eyewitnesses, assumes significance. Ordinarily, mere abscondence cannot, by itself, be treated as a determinative circumstance to fasten liability, as it is well settled that such conduct may speak of multiple explanations. However, the present case stands on a different footing. This Court is, therefore, of the considered view that such conduct, though not conclusive in isolation, constitutes a relevant circumstantial factor which lends assurance to the version of PWs 3 and 4 regarding the involvement of the tractor in the accident. When read in conjunction with the other evidence on record, this circumstance fortifies the finding that the insured vehicle was indeed involved in the occurrence.

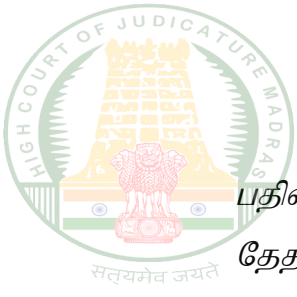


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9. RW2 has not offered any plausible explanation to controvert the specific and consistent evidence of PWs 3 and 4. The said evidence, therefore, remains unshaken and unrebutted in material particulars. In the absence of any effective rebuttal, an adverse inference is liable to be drawn in terms of Section 114 of the Indian Evidence Act, particularly Illustration (g), for withholding the best possible explanation within the knowledge of the driver.

10. The consistent testimony of PWs 3 and 4, duly corroborated by the testimony of the Investigating Officer (examined as RW4), who has categorically deposed that, upon investigation, the involvement of the said vehicle was ascertained and, after examining the relevant witnesses, a final report was filed implicating RW2. He specifically deposed that he conducted investigation and found out the involvement of the R.W.2 in the accident by driving the tractor and he was arrested on 22.02.2013 and he was remanded and confined in judicial custody vide the remand order dated 22.02.2013 and final report also filed and the same was taken on file in C.C.No.451 of 2013 and the relevant of the evidence of R.W.4 as follows:

எதிரியின் பெயர் நாராயணதாஸ் என்று பின்னர் நான்
சாட்சிகளை விசாரித்து அதன் மூலம் தெரிய வந்த தகவலின்
அடிப்படையில் எதிரியின் பெயரை சேர்த்தேன். சாட்சிகள்
தங்கவேல், ராஜாமணி ஆகியோரை விசாரித்து வாக்குமூலங்கள்



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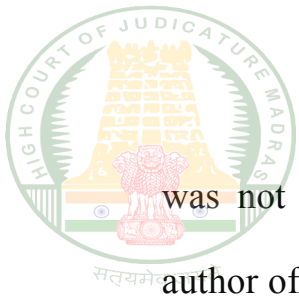
பதிவு செய்துள்ளேன். வழக்கு பதிவு செய்யப்பட்ட 06.02.2013
தேதிக்கு பின்பு 22.02.2013 அன்று தான் எதிரியை இவ்வழக்கில்
சேர்த்தேன்.....

Therefore, mere fact that such involvement came to light after a lapse of about 16 days does not, by itself, render the prosecution case doubtful, particularly when supported by substantive evidence.

11.The appellant–Insurance Company has also failed to adduce any cogent rebuttal evidence to probabalise its plea of false implication. Mere denial, in the absence of substantiating material, cannot displace the positive evidence adduced by the claimants. The R.W.5, Manager of the Insurance Company was examined and he admitted that the investigating agency conducted a fair investigation and arrested R.W.2 and filed the final report and the relevant portion of the evidence is as follows:

அதற்கு பின்னர் காவல்துறையினர் சரியான முறையில்
புலன்விசாரணை செய்து தான் விபத்தை ஏற்படுத்திய ஓட்டுநர்
நாராயணதாஸ் என்ற விபரம் தெரிய வந்த பின்பு தான்
நாராயணதாஸ் என்பவரை கைது செய்து குற்ற இறுதி அறிக்கை
தாக்கல் செய்யப்பட்டது என்று சொன்னால் சரிதான்.

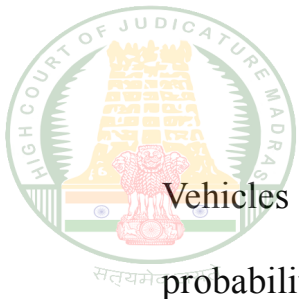
12. R.W.2 was tractor driver. He has not denied the filing of the final report against him and arrest made by the investigating agency. He deposed that he was acquitted. RW5 produced Ex.R4 and contended that the vehicle



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was not involved but the same cannot be accorded evidentiary value. The author of the document, namely Narayanan Das, RW2 was not confronted with the said document during his examination. On the contrary, in cross-examination, he denied having any record of such communication. In the absence of proper proof, the document remains unsubstantiated and cannot be relied upon. Therefore, it is not the case of the appellant–Insurance Company or RW2 that any false case had been foisted against the driver. No complaint or representation has been made to any authority alleging false implication. The absence of any such contemporaneous protest document assumes relevance while appreciating the defence now sought to be projected. On the contrary, the case of the claimants stands established on the touchstone of preponderance of probabilities, which is the applicable standard in proceedings under the Motor Vehicles Act.

13. This Court has also called for and perused the judgment in C.C.No.4 of 2015, wherein the criminal court acquitted the accused. A reading of the said judgment reveals that the acquittal was not on the ground of non-involvement of the vehicle, but on account of failure to establish rash and negligent driving beyond reasonable doubt. It is well settled that findings in criminal proceedings do not have impact on proceedings under the Motor



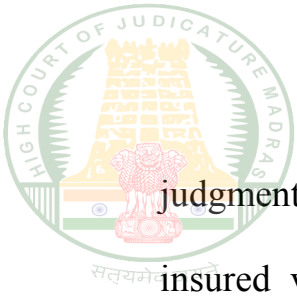
Vehicles Act, where the standard of proof is one of preponderance of probabilities.

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14. On a cumulative assessment of the evidence, this Court finds that the materials placed by the claimants, including the oral evidence of PWs 3 and 4 and the investigation culminating in the final report, inspire confidence and leave no room for suspicion. There is neither pleading nor proof of fraud or fabrication as alleged by the appellant.

15. It is trite that proceedings under the Motor Vehicles Act are summary in nature, and strict rules of evidence as applicable to criminal trials are not required to be adhered to. The claimants are only required to establish their case on the touchstone of preponderance of probabilities. In this regard, the Hon'ble Supreme Court and various courts have consistently held that even in cases where the offending vehicle was not initially identified in the FIR, subsequent investigation establishing involvement is sufficient to fasten liability and the relevant portion of the judgments as follows:

16. The Hon'ble Supreme Court in the case of *Janabai v. ICICI Lambord Insurance Co. Ltd., reported in (2022) 10 SCC 512* reversed the



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judgment of the High Court, which had declined to fasten liability on the insured vehicle merely on the ground that the registration number of the offending vehicle was not mentioned in the FIR. The Apex Court held that, in a motor accident claim, the Tribunal is required to determine the involvement of the vehicle on the basis of the oral and documentary evidence available on record and not solely on the contents of the FIR. The Supreme Court also took note of the fact that the owner of the insured vehicle had not lodged any complaint alleging false implication of the vehicle in the accident. The relevant portion of the judgment reads as follows:

“9. We have heard the learned counsel for the parties and find that the order [ICICI Lombard Insurance Co. Ltd. v. Janabai, 2018 SCC OnLine Bom 21282] of the High Court is unsustainable. Appellant 1 and her husband had received injuries in an accident which took place on 1-6-2007. She lost her husband on 25-6-2007. The primary concern of Appellant 1 or other relatives at the time of incident was to take care of the deceased in his critical condition. The health and well-being of her husband was her priority rather than to lodge an FIR. The High Court has proceeded primarily on the basis of information to the police regarding non-disclosure of the name of the driver of the car in the FIR. Appellant 1 has filed her examination-in-chief on 1-8-2011 disclosing the car number of the offending vehicle. The owner and the Insurance Company had the opportunity to cross-examine the witness in support of their stand that the



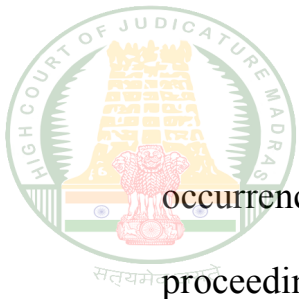
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vehicle number given by her was not involved in the accident. In cross-examination, she deposed that she was brought to the hospital in the vehicle which dashed into their vehicle. She deposed that she was mentally disturbed and hospitalised, therefore, she filed the complaint late.

10. On the other hand, the owner has appeared as a witness. He admitted that he had taken the vehicle on superdari and that he has not filed any proceedings to quash FIR against Sanjay, driver of the Car. He admitted that bail application form and surety bond (Exts. 68, 69 and 70) show that he has stood surety for the driver wherein he has mentioned the accused as driver of his vehicle. It has also come on record that the owner has not made any complaint in respect of false implication of his vehicle or the driver.

11. We find that the rule of evidence to prove charges in a criminal trial cannot be used while deciding an application under Section 166 of the Motor Vehicles Act, 1988 which is summary in nature. There is no reason to doubt the veracity of the statement of Appellant 1 who suffered injuries in the accident. The application under the Act has to be decided on the basis of evidence led before it and not on the basis of evidence which should have been or could have been led in a criminal trial. We find that the entire approach of the High Court is clearly not sustainable.”

17. The Hon'ble Supreme Court in the case of Kusum Lata v. Satbir, reported in (2011) 3 SCC 646 relied the evidence of the eyewitness to the



occurrence produced during the course of the Motor Accident Claims Tribunal proceedings and held that the proof of the accident before the Motor Accident Tribunal is not like that of the proof as required to be done in a criminal trial and the relevant paragraphs as follows:

“7. When Dheeraj Kumar was cross-examined, he stated that the deceased Surender is not related to him nor was he his neighbour. He was his co-villager. Dheeraj Kumar also told that he knows the driver of the vehicle bearing No. HR 34 8010. He denied all suggestions that he was giving his evidence to help the victim.

8. Both the Tribunal and the High Court have refused to accept the presence of Dheeraj Kumar as his name was not disclosed in the FIR by the brother of the victim. This Court is unable to appreciate the aforesaid approach of the Tribunal and the High Court. This Court is of the opinion that when a person is seeing that his brother, being knocked down by a speeding vehicle, was suffering in pain and was in need of immediate medical attention, that person is obviously under a traumatic condition. His first attempt will be to take his brother to a hospital or to a doctor. It is but natural for such a person not to be conscious of the presence of any person in the vicinity especially when Dheeraj did not stop at the spot after the accident and gave a chase to the offending vehicle. Under such mental strain if the brother of the victim forgot to take down the number of the offending vehicle it was also not unnatural.

9. There is no reason why the Tribunal and the High Court would ignore the otherwise reliable evidence of Dheeraj Kumar. In



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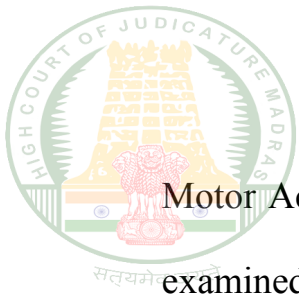
fact, no cogent reason has been assigned either by the Tribunal or by the High Court for discarding the evidence of Dheeraj Kumar.

The so-called reason that as the name of Dheeraj Kumar was not mentioned in the FIR, so it was not possible for Dheeraj Kumar to see the incident, is not a proper assessment of the fact situation in this case. It is well known that in a case relating to motor accident claims, the claimants are not required to prove the case as it is required to be done in a criminal trial. The Court must keep this distinction in mind.

10. Reference in this connection may be made to the decision of this Court in Bimla Devi v. Himachal RTC [(2009) 13 SCC 530 : (2010) 1 SCC (Cri) 1101] , in which the relevant observation on this point has been made and which is very pertinent and is quoted below: (SCC p. 534, para 15)

“15. In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied.”

18. The Hon'ble three Bench of Supreme Court in the case of the **Anita Sharma v. New India Assurance Co. Ltd.**, reported in **(2021) 1 SCC 171** has affirmed the principles in the case of **Sunita v. Rajasthan SRTC** [**Sunita v. Rajasthan SRTC**, reported in **(2020) 13 SCC 486**] that the



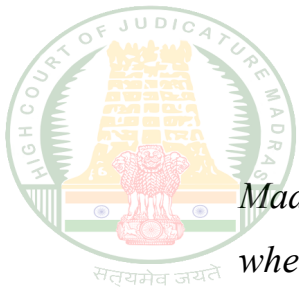
Motor Accident Tribunal can place reliance of the evidence of the witnesses examined before the Tribunal even though they were not cited as witnesses in the criminal case to prove the involvement of the vehicle and accident and the relevant portion is as follows:

“ 20..... There is nothing in the Act to preclude citing of a witness in motor accident claim who has not been named in the list of witnesses in the criminal case. What is essential is that the opposite party should get a fair opportunity to cross-examine the witness concerned. Once that is done, it will not be open to them to complain about any prejudice caused to them. If there was any doubt to be cast on the veracity of the witness, the same should have come out in cross-examination, for which opportunity was granted to the respondents by the Tribunal.

32. The High Court has not held that the respondents were successful in challenging the witnesses' version of events, despite being given the opportunity to do so. The High Court accepts that the said witness (A.D. 2) was cross-examined by the respondents but nevertheless reaches a conclusion different from that of the Tribunal, by selectively overlooking the deficiencies in the respondent's case, without any proper reasoning.”

(emphasis supplied)

8.1.(a) *In Laxmi Gontiya and another v. Nand Lal Tahalramani and others, 1999 ACJ 241, a Division Bench of the*

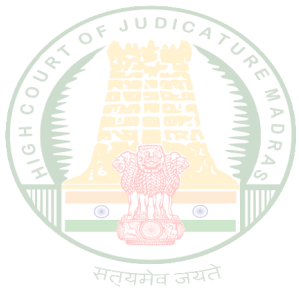


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Madhya Pradesh High Court has considered the issue as to whether the non-mentioning of the Registration Number of the offending vehicle is fatal to the claim. In paragraphs 9 and 10 of the judgment, the Court held as follows:

9. Merely because the Registration number, if not mentioned in the First Information Report, testimony of the witnesses cannot be discarded as it is well settled that the First Information Report is not a substantive piece of evidence. It is not an encyclopaedia. The object of First Information Report from the point of view of the informant is to set the criminal law in motion. From the point of view of Investigating Authorities, it is to obtain information about the alleged criminal activity so as to be able to take suitable steps for tracing and bringing to book the guilty party. In *Kusum Kali v. Bhailal Tiwari*, M.A. No. 465 of 1995, decided on 04.11.1996, where the registration number was not mentioned in the First Information Report, this Court has observed that mere non-mention of number in the first information report would not be fatal, if otherwise it is established that the vehicle was involved in the accident.

10. In motor accident cases where the litigant persons are illiterate, if the Tribunal finds that the evidence led is not sufficient to establish the involve-ment of the vehicle which causes the accident, in our opinion, it would be proper for the Tribunal giving a helping hand by directing the party to lead evidence in accordance with the requirement of law, as it is well settled that a Court or Tribunal is not to act as an umpire watching a battle of wits between the parties from a distance through telescope. The Court is charged with the responsibility of guiding the procedure and apprising the parties whenever necessary of their duties. As legal procedure is full of traps; if a litigant happens to stumble, the Courts should discharge its responsibility except when this is the result of an attempt to be clever and over-reach the Court or to do something inequitable



to the other side. In the latter event the party concerned should be dealt with severely.”

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8.1.(B). *In Raju v. Sardar Singh and another, 2005 (3) ACC 138, the Madhya Pradesh High Court has held that, even in the absence of Registration number in the First Information Report, if there is clear oral evidence that the vehicle was involved in the accident, compensation has to be awarded.*

18. *In the absence of any strong rebuttal evidence to prove that the bus owned by the appellant-Transport Corporation was not involved in the accident, the finding of the Tribunal on the basis of the oral evidence of the respondent/claimant, corroborated by the First Information Report that route number 55K was involved in the accident cannot be termed as perverse. Mere non-mentioning of the Registration Number in the First Information Report is not fatal to the claim. There is preponderance of probability to arrive at a reasonable conclusion that the appellant-Transport Corporation bus was involved in the accident. Courts have always held that strict proof of evidence is not required in Motor Accident cases to prove the negligence of the driver and that technicalities or niceties should not alone waive while assessing the evidence. Therefore, the finding of the Tribunal as regards negligence is confirmed.*

8.1.(E).Ramasamy v. National Insurance Co. Ltd., 2006 SCC OnLine Mad 897

10. ... *From these sequence of events, as done by the Tribunal, it has to be naturally concluded that only after the First Information Report was produced before the Tribunal and only*



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after the examination of P.Ws.1 and 2 was over, as an afterthought, the counsel for the respondents before the Tribunal has argued (at the cost of repetition) that neither the name of the driver nor the number of the lorry was found in the First Information Report and the Criminal Case against the driver also has been closed and as such, the lorry in question was not at all involved in the accident.

The Supreme Court has reiterated the principle that the insurance company shall not make not contesting in the cae genuine claims in New India Assurance Co. Ltd. v. Kiran Singh & others, [2004 \(10\) SCC 649](#) in which a portion of paragraph 6 reads as under:

“Insurance Companies must bear in mind that they are the trustee of the public, keepers of the public coffer. Often, even genuine claims are being hotly contested in a routine manner by dragging the parties to Courts, wasting enormous time and money for the claimants to get their claims settled. An Act like the Motor Vehicles Act, being a beneficial legislation aimed at quick redressal of the victims of accident arising out of the use of motor vehicles, the attitude routinely adopted by the Insurance Companies would render the object of the Act frustrated....”

19.The non-mentioning of the registration number in the First Information Report does not, in the facts of the present case, assume determinative significance. It is well settled that the FIR is not an encyclopaedia of the prosecution case. The subsequent investigation, which



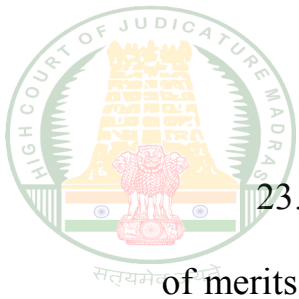
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helped to identify the vehicle and the driver within a reasonable period of about 15 days, culminating in the filing of the final report, lends adequate assurance to the version of the claimants.

20.Further, it is pertinent to note that the appellant–Insurance Company has not taken any steps to initiate proceedings alleging false implication of the vehicle. The absence of any such action weakens the defence now sought to be raised by the insurance company.

21.In view of the cumulative effect of the above circumstances, this Court is satisfied that the involvement of the insured vehicle has been proved on a balance of probabilities, notwithstanding the initial omission in the FIR. The finding of the Tribunal, therefore, warrants no interference.

22.In light of the above principles and the evidence on record, this Court has no hesitation in holding that the involvement of the insured vehicle stands duly established. The finding of the Tribunal in this regard is based on proper appreciation of evidence and does not suffer from perversity warranting interference.



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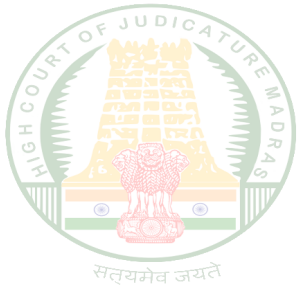
23. Accordingly, this Civil Miscellaneous Appeal is dismissed as devoid of merits. The compensation awarded in M.C.O.P.No.14 of 2015 on the file of the Motor Accident Claims Tribunal/Additional District Court (FTC), Theni, dated 09.11.2018, is hereby confirmed. The appellant/Insurance Company is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs. No costs. Consequently, connected miscellaneous petition is closed.

[N.A.V.,J.] & [K.K.R.K.,J.]
01.06.2026

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

To

- 1.The Motor Accidents Claims Tribunal
Additional District Court,(FTC),
Theni
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.M.A.(MD).No.888 of 20

N.ANAND VENKATESH,J.
and
K.K.RAMAKRISHNAN,J.

sbn

Pre-delivery judgment made in
C.M.A.(MD).No.888 of 2024

Dated: 01.06.2026