

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 1232 of 2015

&

M.P. No. 1 of 2015

M/s. New India Assurance Co. Ltd.,
No. 45, Moore Street,
Chennai - 600 001.

..Appellant/2nd Respondent

Vs.

1. Mr. R. Kumar
2. Mr.A. Jeba Suresh

..Respondents/Petitioner
and 1st Respondent

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 22.09.2014 passed in M.C.O.P. No. 3981 of 2013 by the Motor Accidents Claims Tribunal (III Judge), Small Causes Court, Chennai.

For Appellant :: Mr.J. Chandran

For Respondents:: Mr.D. Sridhar for R1

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the Insurance Company as against the award of Rs.2,68,972/- passed by the Motor Accidents Claims Tribunal (III Judge, Court of Small Causes), Chennai in M.C.O.P. No. 3981 of 2013 in favour of the 1st respondent/claimant for the injuries sustained by him in the accident, which occurred on 08.04.2013.

2. Heard Mr.J. Chandran, learned counsel for the appellant Insurance Company, who would submit that the only point to be decided is whether pay and recovery ordered by the Tribunal is correct or not.

3. Heard the learned counsel for the 1st respondent/claimant.

4. A perusal of the records would show that the claimant sustained grievous injuries in the accident, which occurred on 08.04.2013. Taking into consideration, the fact, that the driver of the offending vehicle, insured with the appellant Insurance Company,

did not have a driving licence and also taking into consideration, the non-appearance of driver cum owner for producing the driving licence before Court, the Tribunal drew adverse inference against the driver cum owner as the said person would be in possession of the said document and rightly ordered pay and recovery. The said finding of the Tribunal warrants no interference and it is sustained.

5. In the result, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Connected M.P. Is closed.

6. The appellant Insurance Company is directed to deposit the entire award amount, with interest and costs, after deducting the amount, if any, already deposited, before the Tribunal, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the 1st respondent/claimant is permitted to withdraw the same within a period of one week thereafter. As ordered by the Tribunal, the appellant is at liberty to recover the amount deposited by them from the owner of the vehicle, the 2nd respondent herein.

nv

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The MACT (III Judge, SCC), Chennai.

2. The Section Officer,
V.R.Section, High Court,
Madras.

+ 1 cc to Mr.J.Chandran, Advocate SR 30721

rj(co)
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