

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 254 of 2015

&

M.P. No. 1 of 2015

The New India Assurance Co. Ltd.,
VRV Complex (1st Floor),
Bhavani Main Road,
Perundurai 638 052

..Appellant (2nd Respondent)

Vs.

1. Ramasamy

2. R. Kumarasamy

..Respondents (Plaintiff's 1st
Respondent)

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 06.07.2010 passed in M.C.O.P. No. 211 of 2007 by the Motor Accidents Claims Tribunal (Additional Subordinate Judge), Tirupur.

For Appellant :: Mr.M. Krishnamoorthy

For Respondents:: Mr.Krishna Sridhar for
Mr.M. Easan 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. 3,63,528/- for the injuries sustained by the 1st respondent in the accident, which occurred on 03.11.2006, when the auto, in which the 1st respondent was travelling capsized.

2. Heard Mr.M.Krishnamoorthy, learned counsel for the appellant and Mr.M. Krishna Sridhar, learned counsel representing Mr.M. Easan, learned counsel for the 1st respondent.

3. The only question to be gone into is with regard to the liability fastened on the appellant.

4. Though Mr.M.Krishnamoorthy, learned counsel for the appellant would submit that the claimant travelled in a Load Auto and

that there is no insurance coverage for a person travelling in Load Auto, no evidence, in support thereof, was adduced by the Insurance Company before the Tribunal. Even the alleged insurance policy was not marked before the Court. In the absence of any evidence adduced on the side of the Insurance Company, the Tribunal rightly fastened the liability on them. Therefore, the finding given by the Tribunal that the appellant Insurance Company is liable to pay the compensation cannot be interfered with. The appeal fails and the same is dismissed. No costs. Connected M.P. Is closed.

Sd/-
Assistant Registrar
Dated:17.2.15

True Copy

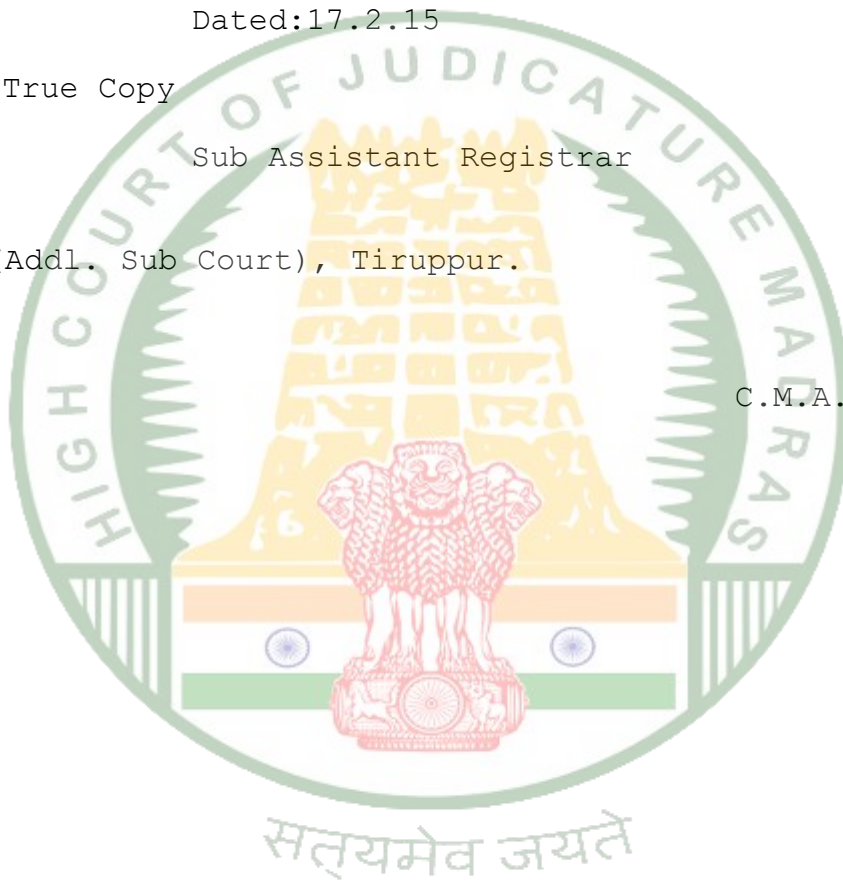
Sub Assistant Registrar

To

The MACT (Addl. Sub Court), Tiruppur.

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