

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.408 of 2015

and

M.P.No.1 of 2015

United India Insurance Company Limited,
Motor third party Cell,
No.751, Anna Salai,
Chennai - 600 002.

... Appellant/2nd respondent

Vs.

1.A.Vasudevan
2.G.Ramamoorthy

... Respondents/Petitioner
1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 19.01.2012 made in M.C.O.P.No.550 of 2008 on the file of Motor Accident Claims Tribunal, (Subordinate Court), Ponneri.

For Appellant : Mr.M.B.Gopalan
For Respondents :

JUDGMENT

This appeal has been preferred by the Insurance Company against the award of Rs.59,000/-, for the injuries sustained by the first respondent/claimant, in the accident, which occurred on 02.10.2007.

2. Heard the learned counsel appearing for the appellant, who canvassed that the vehicle did not have registration certificate at the time of accident and expired long back. However, at the time of issuance of insurance coverage itself there was no registration certificate available. Without even verifying whether proper documents are available with the vehicle owner, the Insurance Company issued insurance coverage and therefore he cannot take advantage of the default or wrong committed by itself.

3. If the insurance company verified and found out that there was no registration certificate available at the time of issuance of policy, the present litigation would have been avoided. Therefore, the said contention cannot be put forth by the Insurance Company.

4. In view of the above, the appeal fails and the same is dismissed. No costs. Consequently, connected M.P. is closed.

5. The appellant Insurance Company is directed to deposit the entire amount awarded by the Tribunal along with interest at the rate of 7.5% with costs, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the first respondent/claimant is permitted to withdraw the entire amount within one week.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg

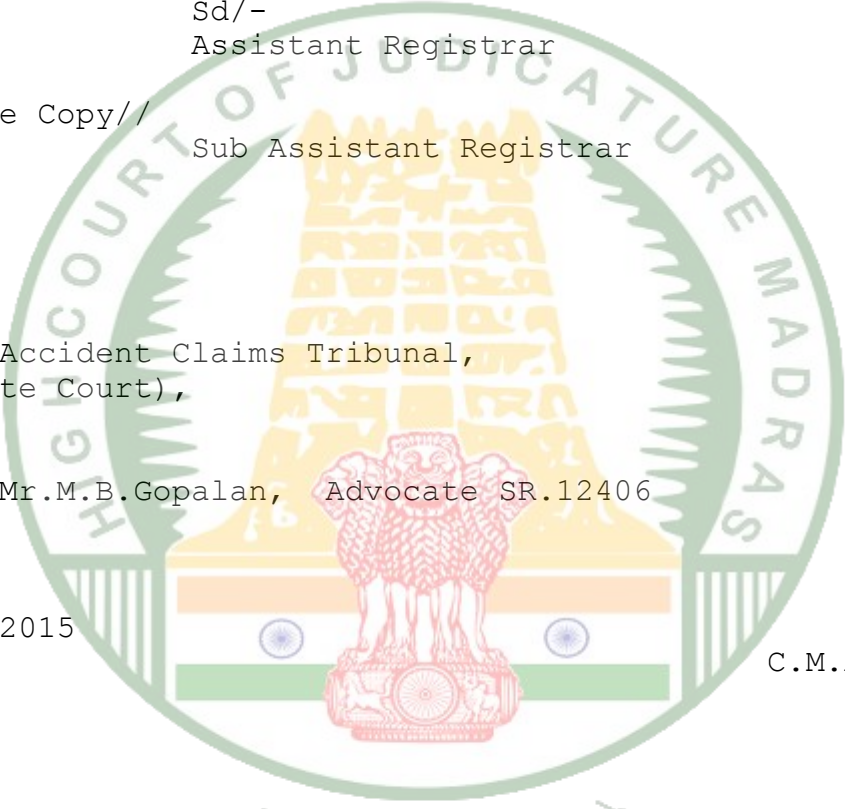
To

The Motor Accident Claims Tribunal,
(Subordinate Court),
Ponneri.

+ 1 cc to Mr.M.B.Gopalan, Advocate SR.12406

TEJ(CO)
EU 13.04.2015

C.M.A.NO.408 of 2015



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