

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 3668 of 2014

&

M.P. No. 1 of 2014

National Insurance Company Limited,
Legal Department, No.751,
Anna Salai, 3rd Floor,
Exide Company, Chennai -2. ...Appellant/2nd respondent

Vs.

1. Abubacker ...Respondent 1/Petitioner
2. S. Raji ...Respondents 2/1st Respondent

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 21.01.2014 passed in MACT O.P. No. 3852 of 2012 by the Motor Accidents Claims Tribunal (6th Small Causes Court, Chennai).

For Appellant:: Mrs.N.B. Surekha

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. 3,15,000/- and fastening the liability on them in respect of the accident, which occurred on 07.06.2012, when the 1st respondent/claimant, who was walking on the road, was hit by a motorcycle, belonging to the 2nd respondent and insured with the appellant Insurance Company.

2. Heard Mrs. N.B. Surekha, learned counsel for the appellant.

3. The only ground raised by the learned counsel for the appellant is that the 2nd respondent is the owner cum rider of the two-wheeler. However, he did not have a valid licence to ride the two-wheeler and therefore, pay and recovery should have been ordered.

4. Since the rider of the offending vehicle did not possess proper licence to ride the two-wheeler, taking note of the well-settled position of law, especially, the judgment of the Honourable Apex Court rendered in National Insurance Company Limited Vs. Swaran Singh reported in 2004 1 TN MAC 104 (SC), the Tribunal rightly ordered the appellant Insurance Company to pay the compensation and thereafter

to recover the same from the insured. Therefore, the point argued by the learned counsel for the appellant has been taken care of, by the Tribunal. Hence, the appeal fails and the same is dismissed. No costs. Connected M.P. is closed.

5. The appellant Insurance Company is directed to deposit the entire amount along with interest and costs within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, as stated in paragraph No. 21 of the judgment of the Tribunal, the claimant is permitted to withdraw only 50% of the award amount and the Tribunal is directed to re-invest the balance amount in interest bearing Fixed Deposit, in Indian Bank, High Court Branch, for a period of three years.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv
To

The Motor Accident Claims Tribunal,
(VI Judge), Small Causes Court, Chennai.

+ 1 cc to M/s. N.B. Surekha, Advocate SR.1562

C.M.A. No. 3668 of 2014

RSK (CO)
Eu 25.02.15

सत्यमेव जयते

WEB COPY