

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.Nos.2080 to 2082 of 2000

United India Insurance Co. Ltd.,
Salem.

... Appellant in all C.M.As.

.. Vs ..

1.M.Palaniyammal
2.Sakunthala
3.Jayalakshmi
4.New India Assurance Co. Ltd.,
Branch Office, Krishnagiri.

... Respondents in
C.M.A.No.2080 of 2000

1.Minor Palaniyammal
(Minor rep. by her father and
natural guardian Mr.Basavaraj)
2.Sakunthala
3.Jayalakshmi
4.New India Assurance Co. Ltd.,
Branch Office,
Krishnagiri Post,
Dharmapuri District.

... Respondents in
C.M.A.No.2081 of 2000

1. M.Chinnasamy
2. A.Sakunthala
3. Jayalakshmi
4. New India Assurance Co. Ltd.,
Branch Office,
Krishnagiri.

... Respondents in
C.M.A.No.2082 of 2000

Prayer in all C.M.As.: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 16.11.1999 made in M.A.C.T.O.P.No.250 of 1994, M.A.C.T.O.P.No.392 of 1995 and M.A.C.T.O.P.No.234 of 1994 respectively on the file of the Motor Accidents Claims Tribunal (Sub-Judge), Dharmapuri.

In C.M.A.Nos.2080 & 2081 of 2000

For appellant : Mr.N.Vijayaraghavan

For R-1 : Mr.V.R.Annagandhi

For R-2 : Mr.D.Bharatha Chakravarthi

In C.M.A.No.2082 of 2000

For appellant : Mr.N.Vijayaraghavan

For R-2 : Mr.D.Bharatha Chakravarthy

COMMON JUDGMENT

All the above three civil miscellaneous appeals are filed by the appellant/United India Insurance Company Ltd., Salem, against the judgment and decree dated 16.11.1999 made in M.A.C.T.O.P.No.250 of 1994, M.A.C.T.O.P.No.392 of 1995 and M.A.C.T.O.P.No.234 of 1994 respectively on the file of the Motor Accidents Claims Tribunal (Sub-Judge), Dharmapuri.

2. The learned counsel for the appellant/insurance company mainly contended that the deceased in the accident and others are the passengers in a goods vehicle and they are not entitled for any insurance coverage and the appellant/insurance company is not at all liable and hence, the judgment passed by the Tribunal has to be set aside and all the three civil miscellaneous appeals have to be allowed.

3. The learned counsel appearing for respondents 1 and 2 in C.M.A.Nos.2080 and 2081 of 2000 and respondent No.2 in C.M.A.No.2082 of 2000 would mainly contend that in this case, along with the present M.C.O.Ps., some other cases were also tried and the Tribunal disposed of the M.C.O.Ps. The learned counsel would further contend that the amount awarded by the Tribunal is very low and all the connected appeals were disposed of by a common judgment. The appellant/insurance company has also preferred C.M.A.(NPD) Nos.610 to 612 of 2001 before this Court and the said appeals were also dismissed for non-prosecution.

4. In view of the similar facts and similar defence raised by the insurance company, the Tribunal awarded compensation to the claimants and even though the insurance company had preferred appeals, the said appeals were dismissed for non-prosecution. In this case alone, the appellant/insurance company contested the case and hence, the appeals filed by the appellant are not maintainable. In view of the fact that the appellant/insurance company has not challenged the common judgment, the compensation awarded by the Tribunal in other MCOPS becomes final and admittedly, the appellant/insurance company has not taken any steps to file appeals as stated above. Hence, this Court is of the considered view that the argument of the learned counsel for the appellant/insurance company that these appeals are liable to be allowed is rejected.

5. In view of the above, all the three civil miscellaneous appeals are dismissed confirming the judgment and decree dated 16.11.1999 passed by the learned Sub-Judge (Motor Accidents Claims Tribunal), Dharmapuri, in M.A.C.T.O.P.No.250 of 1994, M.A.C.T.O.P.No.392 of 1995 and M.A.C.T.O.P.No.234 of 1994. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

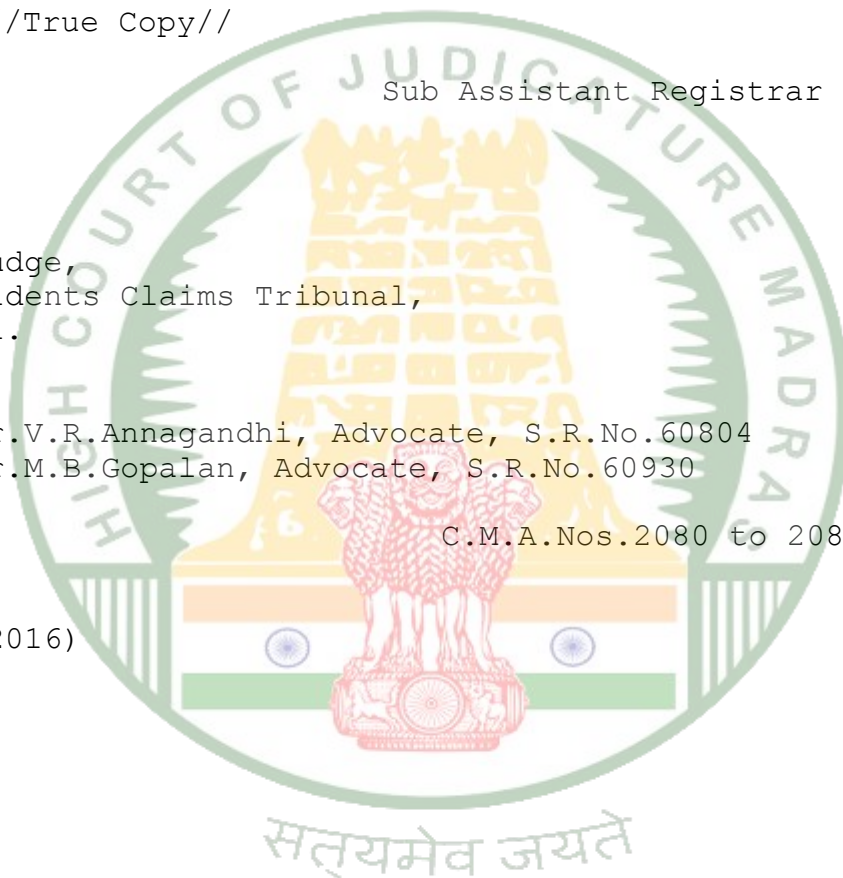
The Sub-Judge,
Motor Accidents Claims Tribunal,
Dharmapuri.

+1cc to Mr.V.R.Annagandhi, Advocate, S.R.No.60804

+1cc to Mr.M.B.Gopalan, Advocate, S.R.No.60930

C.M.A.Nos.2080 to 2082 of 2000

CP(CO)
CA(27/12/2016)



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