

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.M.A.No.2663 of 2009

J.Valli.

... Appellant

Vs.

1. S.Senthilkumar

2.National Insurance Company Ltd.,
No.751, Anna Salai, III Floor,
Chennai-600 002.

... Respondents

Prayer : Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 14.11.2008 in M.C.O.P.No.2615 of 2004 on the file of the Motor Accidents Claims Tribunal, IVth Judge, Court of Small Causes, Chennai.

For Appellant : Mr.Balaji Prasad
For R1 : Exparte
For R2 : Mr.Baskaran

J U D G M E N T

The appellant in this case is a claimant, who challenges the award passed in M.C.O.P.No.2615 OF 2004 before the Motor Accidents Claims Tribunal [IV Judge, Small Causes Court, Chennai].

2. In a road accident that took place on 20.01.2004, the claimant suffered injuries and seeking compensation, she moved the Tribunal with claim of Rs.3,00,000/- against which Rs.70,700/- was awarded by the Tribunal. However, the Tribunal absolved the second respondent/Insurance Company from liability on the ground that the driver of the offending vehicle did not possess a valid driving licence at the relevant time. The law is now settled, vide Iffco Tokyo General Insurance Co. Ltd., Vs. A.Jafer Sadiq & Others [2012(1) TN MAC 394 (DB)]. Based on that authority, the second respondent/Insurance Company is directed to bear the liability at the first instance and then to recover the same from the owner of the vehicle. The Insurance Company is directed to deposit the award amount of Rs.70,700/- with interest at 9.5% p.a. within four weeks from the date of receipt of a copy of this order, whereupon the

claimant/appellant would be entitled to withdraw the same forthwith.

3. The Appeal is allowed accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmi

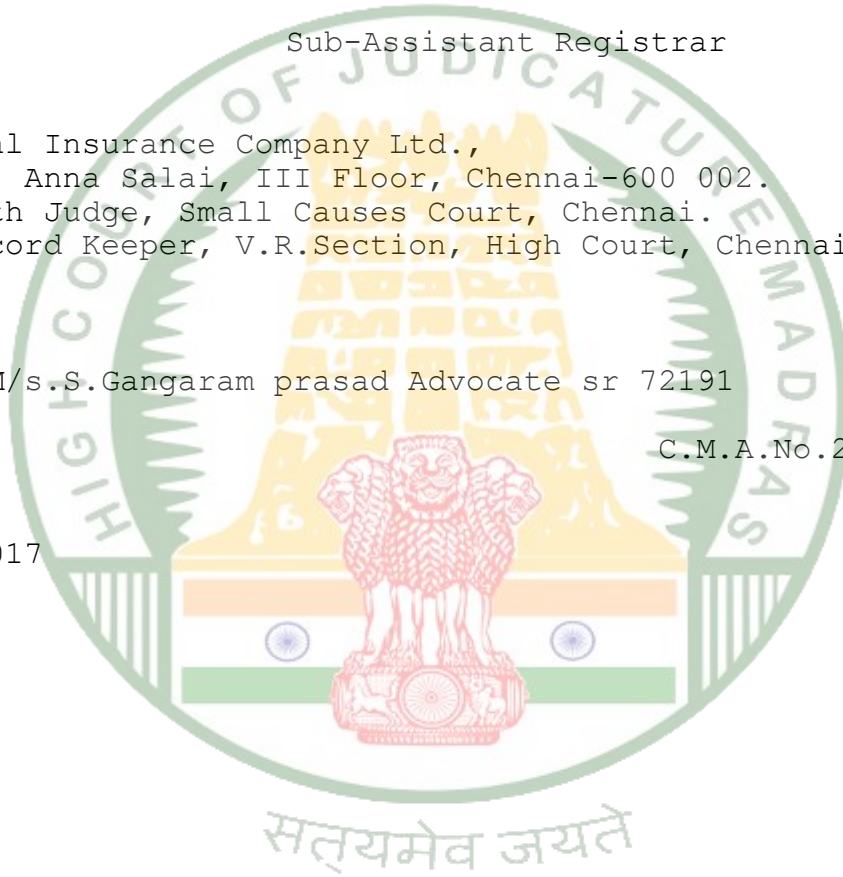
To

1. National Insurance Company Ltd.,
No.751, Anna Salai, III Floor, Chennai-600 002.
2. The IVth Judge, Small Causes Court, Chennai.
3. The Record Keeper, V.R.Section, High Court, Chennai.

+1 cc to M/s.S.Gangaram prasad Advocate sr 72191

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