

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.(NPDB)No.3163 of 2004

and

C.M.P.No.17468 of 2004

The United India Insurance Company Ltd.,
Muthiah Complex,
1170, Mettur Road, Erode.

.. Appellant

.. Vs ..

1. Susila
2. Dhanalakshmi (Minor)
3. Natarajan (Minor)
4. Alamelu Ammal
5. V.Raja

.. Respondents

(Minor Respondents 2 and 3 are
represented by their mother
first respondent herein)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the fair and decreetal order dated 19.11.2002 made in M.C.O.P.No.624 of 1999 on the file of the Motor Accidents Claims Tribunal, (Additional District Judge), Dharmapuri.

For Appellant : Mr.T.Ravichandran
for Mr.K.S.Narasimhan
For RR-1 to 4 : No Appearance
For R-5 : Ex-parte
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JUDGMENT

This civil miscellaneous appeal is directed against the judgment and decree 19.11.2002 made in M.C.O.P.No.624 of 1999 on the file of the Motor Accidents Claims Tribunal, (Additional District Judge), Dharmapuri.

2. The respondents 1 to 4 herein as claimants have filed a claim petition in M.C.O.P.No.624 of 1999 before the learned Additional District Judge, Motor Accidents Claims Tribunal, Dharmapuri, claiming a sum of Rs.5,00,000/- as compensation for the death of the deceased viz., Krishnan against the appellant and fifth respondent herein. The Tribunal, after considering the evidence adduced by both parties, awarded a sum of Rs.4,65,000/- towards compensation along with interest at the rate of 9% per annum from the date of petition till the date of deposit. Aggrieved against the said award passed by the

Tribunal, the present appeal is preferred by the appellant/second respondent in the M.C.O.P.No.624 of 1999.

3. The learned counsel for the appellant/Insurance Company would mainly contend that the appellant is not liable to pay any amount towards compensation to the claimants, since the policy is not covered the risk of the accident in this case. The Tribunal, without appreciating the above said fact, erroneously directed the appellant herein to pay compensation to the claimants and hence, the learned counsel for the appellant prayed that the award passed by the Tribunal has to be set aside and the appeal has to be allowed.

4. When the matter is taken up for hearing, there is no representation on behalf of the respondents 1 to 4.

5. This Court has considered the submissions made by the learned counsel appearing for the appellant and perused the entire records.

6. In this case, the deceased was travelled in the vehicle as owner of the goods and hence, the deceased is covered under the insurance policy. Since the deceased is the owner of the goods, the Tribunal considered the arguments of the learned counsel for the insurance company and directed the appellant/insurance company to pay compensation to the claimants. The learned counsel for the appellant has not disputed the quantum of compensation awarded by the Tribunal. In the above circumstances, this Court is of the considered view that the Tribunal, after appreciating the entire facts and considering the policy, came to a correct conclusion and directed the appellant/insurance company to pay compensation to the claimants. Hence, this Court is of the considered view that there is no illegality or infirmity in the award passed by the Tribunal and this Court finds no reason to interfere with the award passed by the learned Additional District Judge, Motor Accidents Claims Tribunal, Dharmapuri, which does not warrant any interference by this Court and hence, the civil miscellaneous appeal is liable to be dismissed.

7. In the result, the civil miscellaneous appeal is dismissed by confirming the judgment and decree 19.11.2002 made in M.C.O.P.No.624 of 1999 on the file of the Motor Accidents Claims Tribunal, (Additional District Judge), Dharmapuri. Consequently, the connected miscellaneous petition is closed. No costs.

29.11.2016

Internet : Yes
Jrl

To

The Additional District Judge,
Motor Accidents Claims Tribunal,
Dharmapuri.

G.CHOCKALINGAM, J.

Jrl

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