

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM : THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.921 of 2001

The Oriental Insurance Co. Ltd.,
Dharmapuri. ... Appellant/3rd Respondent

Vs.

1.C.Rajendran ... 1st Respondents/Petitioner
2.R.Kalaimani ... 2nd Respondent/1st Respondent
3.Natarajan ... 3rd Respondent/2nd Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 09.11.2000 made in MCOP.No.973 of 1989 on the file of the Motor Accidents Claims Tribunal cum Subordinate Judge, Dharmapuri.

For Appellant : Mr. S.Manohar

For Respondents : No Appearance

JUDGMENT

The appellant herein / third respondent before the Tribunal challenges the award passed in MCOP.No.973 of 1989 on the file of the Motor Accident Claims Tribunal cum Sub Court, Dharmapuri, on the ground that the offending vehicle was not insured with it.

2. In a road accident that took place on 14.07.1987, a tempo van bearing registration No.TE-E-395 belonging to third respondent and driven by the second respondent dashed against the first respondent/claimant, owing to which the claimant suffered injuries, for which he approached the Motor Accidents Claims Tribunal with a claim for Rs.20,000/- and the Tribunal passed an award for Rs.10,000/- with 12% interest per annum.

3. The learned counsel for the appellant submitted that at that relevant time the offending vehicle was insured with the United India Insurance Co. Ltd., and not with the appellant company.

4. This matter is about 30 years since the date of accident and no profitable purpose would be achieved by delaying the matter further as it would offend the interest of the claimant. Even the award amount would have lost all its significance due to inflationary trends of the last three decades.

5. I therefore, confirm the award passed by the Tribunal and the appellant/Insurance Company is directed to deposit the award amount with all accrued interest if not already deposited within a period of four weeks from the date of receipt of a copy of this order and on such deposit the claimant is entitled to receive the award amount forthwith. The appeal is dismissed without costs. If however, the appellant is able to establish that it is not the appellant, but the United India Insurance Company is liable to pay the compensation, then it is free to proceed against it for realisation of the amount which it now required to deposit in the Court.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Motor Accidents Claims Tribunal,
Sub Court, Dharmapuri.

2.The Record Keeper,
VR Section,
High Court, Madras.

+1cc to Mr. S. Manohart (SR.NO. 74598)

CMA.No.921 of 2001

RV(CO)
VR(01/02/2017)

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