



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A (MD) No.311 of 2014 and
M.P. (MD) No.1 of 2014

The Oriental Insurance Company Limited,
F-4, Visitors Road,
Neiveli.

.. Appellant/2nd Respondent

Vs.

1.K.Alagesan

2.M.Rajathi

(2nd Respondent remained exparte
before the Lower Court)

.. 1st Respondent/Petitioner

.. 2nd Respondent/1st Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award made in M.C.O.P.No.1012 of 2007, dated 09.10.2013, on the file of the Motor Accidents Claims Tribunal-cum-III Additional Sub-Judge, Trichirappalli.

For Appellant : Mr.K.Bhaskaran

For Respondents : Mr.N.Sudhagar Nagaraj (for R1)

JUDGMENT

The appellant/Oriental Insurance Company has filed the present C.M.A (MD) No.311 of 2014, challenging the award passed in MCOP.No.1012 of 2007, dated 09.10.2013, on the file of the Motor Accidents Claims Tribunal-cum-III Additional Sub-Judge, Trichirappalli.

2.It is a case of an injury caused due to the accident took place on 07.07.2006 around 4.00 p.m. near Nallanayagapuram on Senthurai to Thittakudi Road. The claimant filed an application seeking compensation before the Tribunal. Considering the facts and circumstances of the case, the Tribunal awarded Rs.5,11,000/- as total compensation. Challenging the same, the appellant/Oriental Insurance Company has preferred this appeal on the ground that it is a goods carrier and the injured was travelling as a gratuitous passenger and therefore, the appellant/Insurance Company is not liable to pay the compensation. <https://hcservices.gov.in/cases/> the appellant/Insurance Company is exonerated from liability, since the gratuitous passenger is not covered under the Insurance policy.



3.The learned counsel appearing for the respondent opposed the appeal by stating that the Tribunal has rightly considered all these aspects and made a finding one person covered was granted compensation and other two persons not covered were not granted compensation. Therefore, the Tribunal has not committed any error on record and the legal position was also rightly followed by the Tribunal and therefore, this Court is not inclined to consider the grounds for the present appeal and accordingly, the award passed by the Tribunal in MCOP.No.1012 of 2007, dated 09.10.2007, is confirmed and the CMA(MD)No.311 of 2014 is dismissed.

4.The learned counsel appearing for the appellant represented that 50% of the award amount has already been deposited and the appellant is directed to deposit the balance 50% of the award amount with accrued interest within a period of four weeks from the date of receipt of a copy of this order. The respondent/claimant represented that he already withdrawn 50% of the award amount and permit him to withdraw the balance award amount with accrued interest through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd
ASST REGISTRAR (RTI)

TRUE COPY

SUB ASSISTANT REGISTRAR

vsa

To

The IIIrd Additional Subordinate Judge,
Motor Accidents Claims Tribunal
Trichirappalli.

COPY TO:

THE SECTION OFFICER,

VR SECTION,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

1CC TO MR. K.BASKARAN ADVOCATE SR: 73862

1CC TO MR. N.SUDHAGAR NAGARAJ, ADVOCATE SR: 74517

RL/ SS2/ 4.1.2017

2P 5C

C.M.A (MD) No.311 of 2014

and

M.P. (MD) No.1 of 2014

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