



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.1229 of 2013
and M.P(MD)No.1 of 2013

The TATA AIG General Insurance Company Limited 1,
Ethiraj Salai,
Egmore, Chennai.

.. Appellant/2nd Respondent

-Vs-

1.Periyammal
2.Arumugam
3.Mohan

.. Respondents 1 & 2/Petitioners
.. 3rd Respondent/1st Respondent

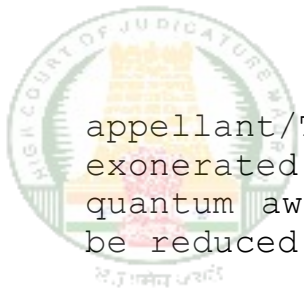
Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 18.10.2012 made in M.C.O.P.No.1607 of 2010 passed by the Motor Accident Claims Tribunal (III Additional District Judge/Fast Track Court), Trichy.

For Appellant : Mr.S.Srinivasa Raghavan
For R-1 and R2 : Mr.N.Sudhagar Nagaraj

JUDGMENT

This Civil Miscellaneous Appeal is preferred against the Judgment and Decree, dated 18.10.2012 made in M.C.O.P.No.1607 of 2010 passed by the Motor Accident Claims Tribunal (III Additional District Judge/Fast Track Court), Trichy.

2.It is a case of a fatal accident caused due to the accident took place on 08.03.2010 at about 02.00 p.m., near Palaniyappa Weighing Machine at Mannachanallur - Samayapuram Road. The legal heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal (III Additional District Judge/Fast Track Court), Trichy in M.C.O.P.No.1607 of 2010 and the Tribunal, considering the facts and circumstances of the case, awarded a sum of Rs.5,46,000/- with interest at 7.5% per annum as total compensation. Challenging the award, the appellant/Tata AIG General Insurance Company preferred the appeal mainly on two grounds, namely, liability and quantum. In respect of liability, the contention of the learned counsel for the appellant/Tata AIG General Insurance Company is that the driver, who was driving the vehicle which met with an accident, has no valid driving licence and it seems that the period of the driving licence expired and the same was not renewed in time and therefore, it should be construed as no valid driving licence and therefore, the



appellant/Tata AIG General Insurance Company ought to have been exonerated from liability and he would further submit that the quantum awarded by the Tribunal is excessive and the same has to be reduced.

3. In respect of quantum, this Court is not inclined to interfere with the findings of the Tribunal. Accordingly, the same is confirmed. Further, regarding the ground of liability, the Tribunal has rightly followed the principles laid down by the Honourable Supreme Court in **Oriental Insurance Co.Ltd., Vs. Shri Nanjappan and others**, reported in **I (2004) ACC 524 (SC)** and there is no error in the award passed by the Tribunal and the Tribunal has rightly followed the same.

4. In view of the fact that the Tribunal has already been passed an order regarding pay and recovery and this Court is not inclined to interfere with the award passed by the Motor Accident Claims Tribunal (III Additional District Judge/Fast Track Court), Trichy, dated 18.10.2012 in M.C.O.P.No.1607 of 2010 and accordingly, the Civil Miscellaneous Appeal is dismissed.

5. The appellant/Tata AIG General Insurance Company represented that the entire award amount had already been deposited and the respondents 1 and 2/claimants withdrawn 50% of the award amount. The respondents 1 and 2/claimants are permitted to withdraw the balance 50% of the award amount, as apportioned by the Tribunal through RTGS by filing necessary application before the Tribunal concerned. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal
(III Additional District Judge/Fast Track Court),
Trichy.

+1cc to Mr.S.Srinivasa Raghavan, Advocate SR.No.72323
+1cc to Mr.N.Sudhagar Nagaraj, Advocate SR.no.71986

Copy to: The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

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