



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2016

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A. (MD) No.1986 of 2013

and

M.P. (MD) No.3 of 2013

1. Marudayee

2. Subramani

... Appellants/Claimants

Vs.

1.Jones Anitharani

2.M/s United India Insurance Company Ltd.,

Micro Office,

No.164/C, Panchayat Union Road,

Valliyur.

..Respondents/Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 03.08.2009 in M.C.O.P.No.274 of 2008, on the file of the Motor Accident Claims Tribunal/Principal District Judge, Tiruchirappalli.

For Appellant : Mr.N.Sudhagar Nagaraj

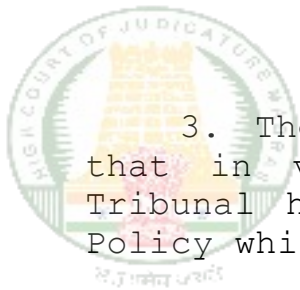
For Respondents : Mr.A.B.Nagarajan
for R.1

: Mr.J.S.Murali
for R.2

J U D G M E N T

It is a case of an injury caused on account of an accident took place on 24.12.2006 at about 02.30 p.m. near Trichy-Madurai main road.

2. The learned Counsel for the appellant fairly conceded that at the time of trial, the expired Insurance Policy was produced before the Tribunal, though the current Insurance Policy was very much available with the owner of the vehicle.



3. The learned Counsel for the appellant further contended that in view of this mistake committed by the parties, the Tribunal had made to proceed erroneously based on the Insurance Policy which was expired.

4. Hence, it was purely a mistake committed by the parties and this fact, regarding the production of policy, was not disputed by the respective Counsel for the respondents.

5. The learned Counsel for the second respondent states that they had produced the policy which was not disputed by both parties at the time of marking.

6. In any event, it is now admitted that the policy produced before the Tribunal was a policy which was not in force and subsequently at the time of filing of execution petition, the current policy was filed. Therefore, this Court is of the view that the matter deserves to be remanded for fresh consideration of the current Insurance Policy and accordingly decide the matter in accordance with law.

7. Therefore, the award passed by the Tribunal in M.C.O.P. No.274 of 2008, dated 03.08.2009, is set aside and the case is remanded back to the Motor Accident Claims Tribunal/Principal District Judge, Trichirappalli for reconsideration and the same shall be done by affording reasonable opportunity to all the parties to the litigation and accordingly pass orders in accordance with law as early as possible preferably within a period of three months from the date of receipt of a copy of this order.

Accordingly, this Civil Miscellaneous Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Motor Accident Claims Tribunal/
Principal District Judge, Tiruchirappalli.(with records)

+One cc to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.70835

+One cc to Mr.J.S.Murali, Advocate, SR.No.71145

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RL/4C/2P/SKN/29.12.2016

C.M.A. (MD) No.1986 of 2013

and

M.P. (MD) No.3 of 2013

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