

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.1187 of 2017
& C.M.P.No.5944 of 2017

Cholamandalam MS General Insurance Co. Ltd.,
Branch Office,
Namakkal City,
Namakkal District.

..... Appellant/Respondent-2

- Vs -

1.Muniyappan

2.Senthil Kumar

Respondents/Petitioner/1st Respondent

Appeal under Section 173 of the Motor Vehicles Act, 1985, against the judgement and decree passed in MCOP No.2 of 2010 on 01.10.2015 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Dharmapuri.

For Appellant : Mr.N.Vijayaraghavan

JUDGMENT

This appeal has been preferred by the Insurance Company against the award of Rs.1,80,700/- for the injuries sustained by him for the 28% disability suffered by the first respondent in the accident occurred on 31.01.2009.

2. Heard Mr.N.Vijayaraghavan, learned counsel for the appellant.

3.Though it is contended that the injured alone was responsible for the accident and the lorry which was driven by the injured came and hit the lorry insured with the appellant insurance company, there was no evidence adduced by the appellant insurance company. In regard thereto, when there is evidence on the side of the first respondent/claimant that the accident occurred because of the rash and negligent driving of the driver of the lorry insured with the appellant insurance company, the Tribunal rightly drew adverse inference against the

driver of the appellant insurance company. Therefore, appeal fails and the same is dismissed. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar (CS-II)

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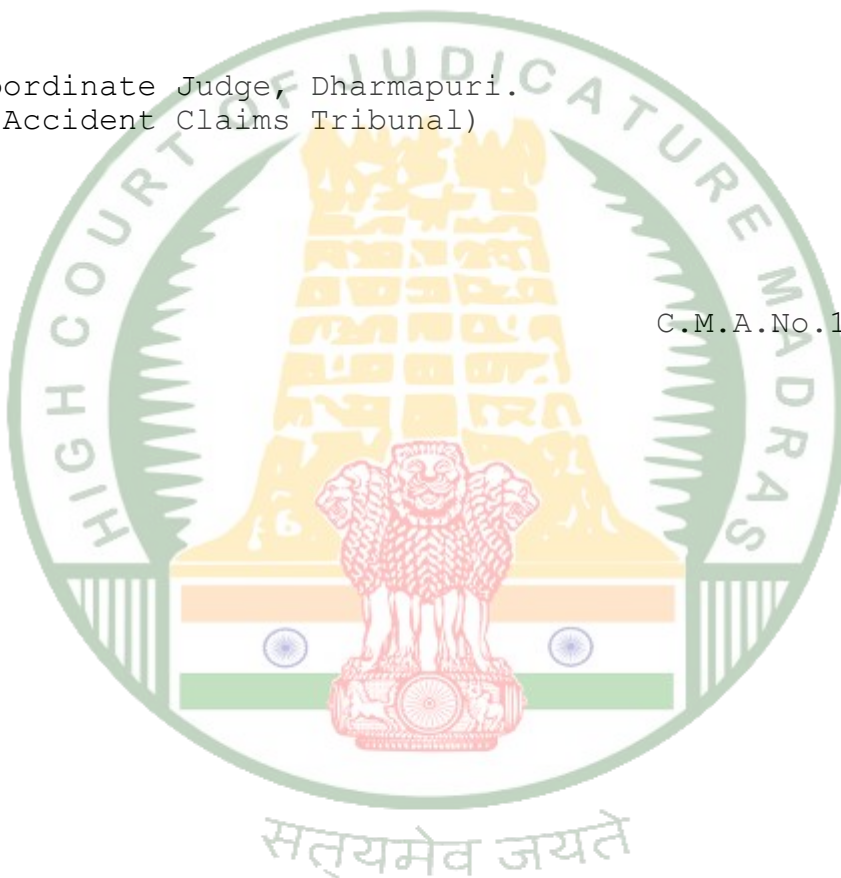
Sub-Assistant Registrar

To

1. The Subordinate Judge, Dharmapuri.
(Motor Accident Claims Tribunal)

C.M.A.No.1187 of 2017

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