

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. MANIKUMAR

AND

THE HON`BLE MR JUSTICE M. GOVINDARAJ

CMP No.7235 of 2017

IN CMA.SR 76893/2016

RELIANCE GENERAL INSURANCE [PETITIONER]
CO.LTD., 570, NAIGAM CROSS ROAD,
NEXT ROYAL INDUSTRIES ESTATE,
WADALA (WEST), MUMBAI.

Vs

1 SUBBULAKSHMI [RESPONDENTS]

2 THAYAMMAL

3 MINOR SUBRITH NARAYANAN
S/O.VENKATESAN,
(AS PER I.A.NO.740/2013 ORDER)

(MINOR REP BY HIS MOTHER
SUBBULAKSHMI)

4 BASHEER

5 M/S.AGHIN ROADWAYS
NO.MMC 4/2155/2 MUNDAKADU,
MAHE, PONDICHERRY.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 58 days in filing the above appeal against the order dated 10.07.2015 made in MCOP No.435 of 2011 on the file of the Motor Accidents Claims Tribunal, Chief Magistrate Court, Tiruppur in (CMP No.7235 of 2017 IN CMA.SR 76893/2016).

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.ARUN KUMAR, Advocate for the petitioner the court made the following order:-

[Order of the Court was made by S.MANIKUMAR, J.]

In the accident which occurred on 22.09.2010, involving a car bearing Regn.No.TN37A7587 and a lorry bearing Regn. No.PY-03-7388, insured with M/s.Reliance General Insurance Company Limited, the car driver sustained grievous injuries and on the way to hospital, he died. Contending interalia that due to the sudden demise, family has lost the contribution and love and affection, legal Representatives have filed MCOP.No.435 of 2011 on the file of MACT [Chief Judicial Magistrate Court], Tiruppur, claiming compensation under various heads.

2. Though M/s.Reliance General Insurance Company Limited, has refuted the manner of accident, without prejudice to the same, disputed the age, avocation, income and the quantum of compensation claimed under various heads.

3. On evaluation of pleadings and evidence, the claims tribunal held that the driver of the lorry bearing Regn. No.PY-03-7388 and insured with M/s.Reliance General Insurance Company Limited, was negligent in causing the accident and quantified the compensation as Rs.23,43,600/- with interest, at the rate of 7.5% per annum from the date of claim till deposit and costs, under various heads.

4. Being aggrieved by the finding fixing negligence on the abovesaid driver and the quantum of compensation, M/s.Reliance General Insurance Company Limited, has filed the instant appeal with a delay of 58 days in filing.

5. Considering the decision of the Hon'ble Supreme Court that victims in the accident have to be paid compensation promptly, we also heard Mr.S.Arun Kumar, learned counsel for appellant on merits. We find that no prima facie case is made out interference. As no orders adverse to the interest of the legal representatives is passed, we deem it fit to waive notice in the delay excuse petition. We are satisfied with the reasons assigned. Delay is condoned and CMP No.7235 of 2017 is ordered. Registry is directed to number the appeal.

-sd/-

27/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE CHIEF JUDICIAL MAGISTRATE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUPPUR.

C.C. to M/S.S.ARUN KUMAR Advocate on payment of necessary
charges

Order

in
CMP.7235/2017

in
CMA.SR 76893/2016

Date :27/04/2017

From 26.2.2001 the Registry is issuing certified
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ADD 28.04.2017