



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1151 of 2017

and

C.M.P. (MD) No.11572 of 2017

The Regional Manager,
Reliance General Insurance Co. Ltd,
11th Cross, Thillai Nagar,
15-A, 2nd Floor,
BLA Ganga Towers,
Tiruchirapalli.

... Appellant/2nd Respondent**Vs.**

1.Mohamed Thaha
2.Pushparaj

... 1st Respondent/Petitioner
... 2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the fair and decreetal order dated 29.09.2010 made in M.C.O.P.No.263 of 2009 on the file of Motor Accidents Claims Tribunal (Addl. District Judge/Fast Track Court-II), Pattukkottai.

For Appellant : Mr.S.Srinivasa Ragavan

JUDGMENT

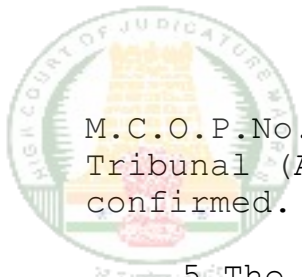
Heard the learned counsel appearing for the appellant.

2.The insurer has filed this appeal questioning the impugned award principally on the ground that the claimant cannot be said to be a dependant of the deceased.

3.This contention has been dealt with by this Court and the issue is no longer *res integra*. Even a legal representative can maintain a claim for compensation otherwise the person who caused the accident as well as the insurer will go scot-free. It is not in doubt that the offending vehicle was insured by the appellant. The claimant in this case happens to be the paternal uncle of the deceased. The quantum of compensation awarded is only Rs.2,76,000/-. Since this Court has held that the Claim Petition is maintainable, it is not necessary to interfere with the quantum.

<https://hcservices.courts.gov.in/hcservices/>

4.Accordingly, the award dated 29.09.2010 made in



M.C.O.P.No.263 of 2009 on the file of the Motor Accidents Claims Tribunal (Addl. District Judge/Fast Track Court-II), Pattukkottai is confirmed.

5.The appellant Insurance Company is directed to deposit the award amount of Rs.2,76,000/- (Rupees Two Lakhs and Seventy Six Thousand only) with interest at the rate of 7.5% per annum and costs, from the date of petition till date of realization, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Motor Accidents Claims Tribunal
(Addl. District Judge/Fast Track Court-II),
Pattukkottai.

Copy To:-

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

TSG

TE/SKN/SAR-2 : 24/07/2018 : 2P/4C

C.M.A. (MD) No.1151 of 2017
12.12.2017