



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1179 of 2016

1.K.Krishnamoorthy

2.K.Vasanth

... Appellants/Claimants

Vs.

1.A.Sirajudeen

2.United India Insurance Co., Ltd,
rep.by its Branch Manager,
261, J.N.Street, Pondicherry.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 17.12.2007 made in MCOP.No.99 of 2007 on the file of the Motor Accident Claims Tribunal Authority, Chief Judicial Magistrate, Thanjavur at Kumbakonam.

For Appellants
For Respondents

: M/s.R.Rajaramani
: Mr.N.Murugesan for R2
R1-Experte.

JUDGMENT

The deceased rider of the two wheeler dashed against a Tamarind tree and died in the resulting accident. The accident took place on 25.11.1998. The vehicle belonged to the first respondent Sirajudeen. The deceased had borrowed the vehicle from him. Since the deceased had borrowed the vehicle from the vehicle owner, he naturally stepped into the shoes of the owner. Therefore, the claim petition at his instance against the insurer is not maintainable. The Tribunal rightly dismissed the claim petition. The aggrieved parents of the deceased have filed this appeal.

2.It is seen that the vehicle did not enjoy the benefit of any policy coverage. The deceased was not also having driving license. Therefore, the order passed by the Tribunal dismissing the claim petition is sustained. There is no merit in this appeal. It stands dismissed. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar



To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal
(The Chief Judicial Magistrate Court)
Thanjavur at Kumbakonam.

Copy to:-

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

+One c to Mr.S.Siva Thilakar, Advocate, SR.No.92964

+One cc to Mr.N.Murugesan, Advocate, SR.No.92938

skm

RL/6C/2P/RSK/SAR1/6/2/2018

CMA (MD) No.1179 of 2016

15.12.2017