



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.515 of 2016

and

C.M.P. (MD) .No.6404 of 2016

The Branch Manager,
Oriental Insurance Company Limited,
First Floor, Layola Building,
Salai Road,
Dindigul.

... Appellant/Respondent

Vs.

P.Lakshmanan

... Respondent/Petitioner

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order of the Motor Accident Claims Tribunal cum Principle Sub court, Dindigul made in M.C.O.P.No.300 of 2012 dated 05.08.2015.

For Appellant : Mr.C.Jawahar Ravindran

For Respondent : Mr.A.Saravanan

JUDGMENT

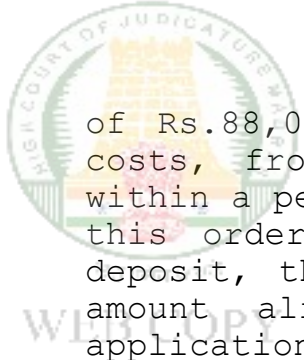
Heard the learned counsel on either side.

2.The Insurance Company has filed this appeal, questioning the impugned award on the ground of liability. The injured claimant was the owner of the vehicle itself. The two wheeler in question enjoyed a Personal Accident coverage. Therefore, a sum of Rs.88,000/- was awarded as compensation to the claimant. It is true that the Tribunal does not have the jurisdiction to award compensation by invoking Personal accident coverage. But, considering the facts and circumstances of the case, I do not want to interfere in the appeal.

3.The award dated 05.08.2015, made in M.C.O.P.No.300 of 2012, on the file of the Motor Accident Claims Tribunal cum Principle Sub court, Dindigul, is confirmed.

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

4.The appellant is directed to deposit the compensation amount



of Rs.88,000/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

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

Sd/-
Assistant Registrar (CS-II)
/True Copy/

Sub Assistant Registrar

To

The Sub Judge cum Principal sub Court,
Motor Accident Claims Tribunal, Dindigul.

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.JAWAHAR RAVINDRAN Advocate in SR. No. 90309

+1cc to Mr.A.SARAVANAN Advocate in SR. No. 90210

TSG

JS/SV.MMS/SAR.4/29.12.2017/2P-5C

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and
C.M.P. (MD) .No.6404 of 2016
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