



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.66 of 2016
and
C.M.P. (MD) .No.1228 of 2016

The Branch Manager,
Reliance General Insurance Company Ltd,
Eleventh Cross, Main Road,
Thilainagar,
Tiruchirappalli.

... Appellant/Respondent

Vs.

Karuppaiah

... Respondent/Petitioner

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 18.03.2015 passed in M.C.O.P.No.4300 of 2013 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruchirappalli.

For Appellant : Mr.K.Gokul
For Respondent : Mr.A.Thiyagarajan

JUDGMENT

Heard the learned counsel on either side.

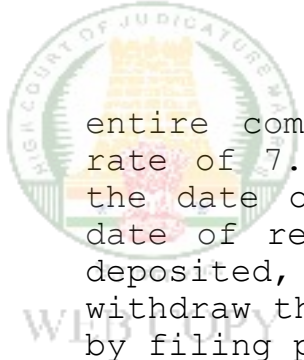
2.The Insurance Company has filed this appeal. The claimant was driving a load van, when he had physical discomfort and dashed against the tamarind tree and in the ensuing accident he suffered injuries. He filed claim petition and the Tribunal awarded a sum of Rs.1,25,600/- as compensation. This was because the insurance policy had a personal Accident Cover. Therefore the contention that the insurer was a tort-feasor and that he cannot maintain a claim petition, cannot be accepted.

3.The claimant clearly had a subsisting policy in his favour which covered the accident in question. The Tribunal rightly allowed the claim petition. The quantum of compensation cannot be said to be excessive. There is no merit in the appeal. The award dated 18.03.2015 made in M.C.O.P.No.4300 of 2013 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruchirappalli.

is confirmed

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

4.The appellant/Insurance Company is directed to deposit the



entire compensation amount of Rs.1,25,600/- 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.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

/True Copy/

Sub Assistant Registrar

To

The Special Subordinate Judge,
Motor Accidents Tribunal,
Tiruchirappalli.

Copy To:-

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

+ 1 CC TO Mr.A.THIYAGARAJAN, ADVOCATE IN SR No. 85476

DSS/TSG
TE/GT/SAR-4 : 04/12/2017 : 2P/4C

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