



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.975 of 2016

and

CMP (MD) No.8737 of 2016

Branch Manager,
The New India Assurance Co. Ltd,
PPK Complex, TS.3548/2, 3549/1,2
First Floor, South Main Road,
Pudukkottai and Taluk.

... Appellant/2nd Respondent

Vs.

1.T.Vijayarajan

...Respondent/Claimant

2.T.Subramanian

... Respondent/First Respondent

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 29.03.2016 made in MCOP.No.99 of 2009 on the file of the Chief Judicial Magistrate cum Motor Vehicles Accident Claims Tribunal, Pudukkottai.

For Appellant : Mr.M.S.Suresh Kumar

For Respondents : Ms.M.Sakundala devi
for Mr.N.Balakrishnan for R1
R2 Given up.

JUDGMENT

The insurance company has filed this Civil Miscellaneous Appeal questioning the award dated 29.03.2016 made in MCOP.No.99 of 2009 on the file of the Motor Vehicles Accident Claims Tribunal, Pudukkottai on the ground of liability.

2.The claimant is none other than the brother of the owner of the vehicle. The vehicle was insured with the appellant company. The claimant had driven the vehicle in a rash and negligent manner and dashed against the tamarind tree. He had suffered injuries. Since he was a tortfeasor himself, the Tribunal has awarded a sum of Rs.2,00,000/- as compensation. Since the policy had personal accident coverage also, the Tribunal had adopted the correct



approach and rightly awarded a sum of Rs.2.00 lakhs as compensation. The matter does not call for any interference.

3.The award dated 29.03.2016 made in MCOP.No.99 of 2009 on the file of the Motor Vehicles Accident Claims Tribunal, Pudukkottai is confirmed.

4.The appellant insurance company is directed to deposit the entire compensation as awarded by the Tribunal, with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, 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 On such deposit, the claimant is entitled to withdraw the said amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate-cum-
Motor Vehicles Accident Claims Tribunal,
Pudukkottai.

+ 1 cc TO Mr.M.S.Suresh Kumar , Advocate in SR No. 86075

Skm

AE/SKN RSK/SAR2/14.12.2017/2P/3C

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