



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1355 of 2007
and
C.M.P.No. 1 of 2007

National Insurance Company Ltd.,
No.66, Perundurai Road,
Erode. ... Appellant/2nd Respondent

Vs.

1.Selvam ... Respondent/Petitioner

2. Angamuthu ... Respondent/Ist Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the decree and judgment passed in MACT O.P.No.751 of 2003, dated 06.03.2006, on the file of the Motor Vehicle Accidents Claims Tribunal, Additional Subordinate Court, Salem.

For appellant : M/s.N.B.Surekha

J U D G M E N T

The appellant-insurance company is aggrieved by the order dated 06.03.2006, passed by the Motor Accidents Claims Tribunal, Additional Subordinate Court, Salem in MACT.O.P.No.751 of 2003, (for brevity, hereinafter referred to as "the Tribunal").

2.The case of the appellant-insurance company is that the injured was travelling in a 3 wheeler mini door carriage, which does not have capacity to seat co-passenger.

3.The Tribunal after considering the evidence on record, awarded a sum of Rs.1,22,000/- to the 1st respondent herein. The learned counsel for the appellant mentions that the 2nd respondent, who is the owner of the Vehicle is no more and has since deceased.

4.The learned counsel for the appellant-insurance company states that the appellant may be directed to pay the amount to



the 1st respondent and recover the amount from the legal heirs of the 2nd respondent-owner of the vehicle involved in the accident.

5. Recording the above submissions, the appeal is disposed of with liberty to the appellant to recover the amount from the legal heirs of the 2nd respondent-owner of the vehicle. It is made clear that if the amount has not been paid to the 1st respondent, the Tribunal may permit the amount to be paid to the 1st respondent together with interest occurred thereon from the date of payment. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

stm

To

1.The Motor Vehicle Accidents Claims Tribunal,
Additional Subordinate Court,
Salem.

2.The Section Officer,
VR Section, High Court, Madras(2 Copies)

+1cc to M/S.B.Surekha, Advocate Sr.48402

C.M.A.No.1355 of 2007

rk[co]
srg 26/02/2019