



C.M.P.No.1734 of 2018

C.V.KARTHIKEYAN,J.

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The second respondent in M.C.O.P.No.630 of 2014/HDFC ERGO General Insurance Company Limited is the appellant herein.

2.The appeal is filed aggrieved by the grant of compensation by order dated 05.01.2018 passed by the learned III Additional District Judge/Motor Accidents Claims Tribunal, Poonamallee.

3.The aforementioned M.C.O.P.No.630 of 2014 had been preferred by the first to fourth respondents herein, seeking compensation for the death of Boopathi, who was the husband of the first respondent and father of the second, third and fourth respondents on 26.07.2014.

4.The accident by which, Boopathi died took place on 26.07.2014 at about 7.30 p.m. He was proceeding on a bicycle from Porur to Kundrathur Main Road. Near Parimalan Theatre, the lorry belonging to the fourth respondent herein/SRM Transport India Private Limited, was said to have been driven in a rash and negligent manner hit the bicycle of Boopathi. He



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was admitted in Madha Hospital for treatment but unfortunately he died in the hospital itself. It was claimed that the accident occurred only due to the rash and negligent driving of the first respondent lorry and so, a claim petition was filed impleading both the owner of the lorry and also the Insurance Company.

5.The Trial Court had dismissed the claim petition holding that the vehicle which caused the accident, namely the lorry, was not covered under any policy of the Insurance Company. However Ex.P10 is a copy of the Proposal Form given by the claimant and marked during the course of the enquiry.

6.Let the learned counsel for the appellant get further instructions with respect to whether further steps were taken consequent to Ex.P10 and inform to this Court.

Call again on 24.03.2022.

08.03.2022

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