

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P(NPD).No.411 of 2006
and
C.M.P.No.3091 of 2006

The Oriental Insurance Company
Rep. By its Branch Manager,
Thiruvavarur. ... Petitioner

Vs

1. Natarajan
2. Selvaraj ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the Motor Accidents Claims Tribunal, (Additional Subordinate Judge), Nagapattinam, and made in I.A.No.301 of 2004 in M.C.O.P.No.264 of 2001 dated 07.01.2005, and allow the Civil Revision Petition.

For Petitioner : Mr.M.Rajasekar

For Respondents : No Appearance

ORDER

The revision is filed challenging the order dated 7th January 2005 in I.A.No.301 of 2004 in M.C.O.P.No.264 of 2001 on the file of the Motor Accident Claims Tribunal (Additional Subordinate Court Nagapattinam) Nagapattinam.

2. Heard, Mr.M.Rajasekar, the learned counsel appearing for the petitioner. The impugned order is passed in the Review Petition filed by the Insurance Company seeking review of the award dated 15th July 2003 in M.C.O.P.No.264 of 2001. The said claim petition was filed by the first respondent herein, claiming compensation of Rs.25,000/- for injury sustained by him in an accident involving the second respondent's lorry insured with the petitioner on 01.10.2000.

3. The Insurance Company had denied the claim on the ground that the insurance particulars had not been furnished and therefore, they cannot be mulcted with the liability.

4. The Tribunal after considering the evidence on record particularly Ex.P.3, the Motor Vehicle Inspector's Report came to the conclusion that the vehicle in question was insured with the Tiruvarur Branch of the Insurance Company and had valid insurance till 04.11.2000, whereby covering the period when the accident took place. The Tribunal had also took note that the second respondent had pleaded guilty in the criminal proceedings and therefore the liability was fixed upon the first respondent and the compensation of Rs.6,000/- was awarded, payable by the petitioner Insurance Company.

5. The petitioner Insurance Company had filed a review before the Tribunal in I.A.No.301 of 2004 in which they had once again pleaded that there was no clinching evidence to prove that the offending vehicle was insured with them. The Tribunal dismissed the said petition stating that the evidence as record had been considered by it and there was no merits in the Review Petition.

6. Challenging this order, the Insurance Company is before this Court. On a perusal of the records, it is seen that the claimant had produced all the documents that were in his custody to show that the offending vehicle was insured with the petitioner herein and Ex.P.3 Motor Vehicle Inspector's Report namely states the Branch of the petitioner in which the said vehicle has been insured and no steps whatsoever had been taken by the Insurance Company to disprove this statement.

7. I find no merits in the Civil Revision Petition and the same stands dismissed. In the result, this Civil Revision Petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dh

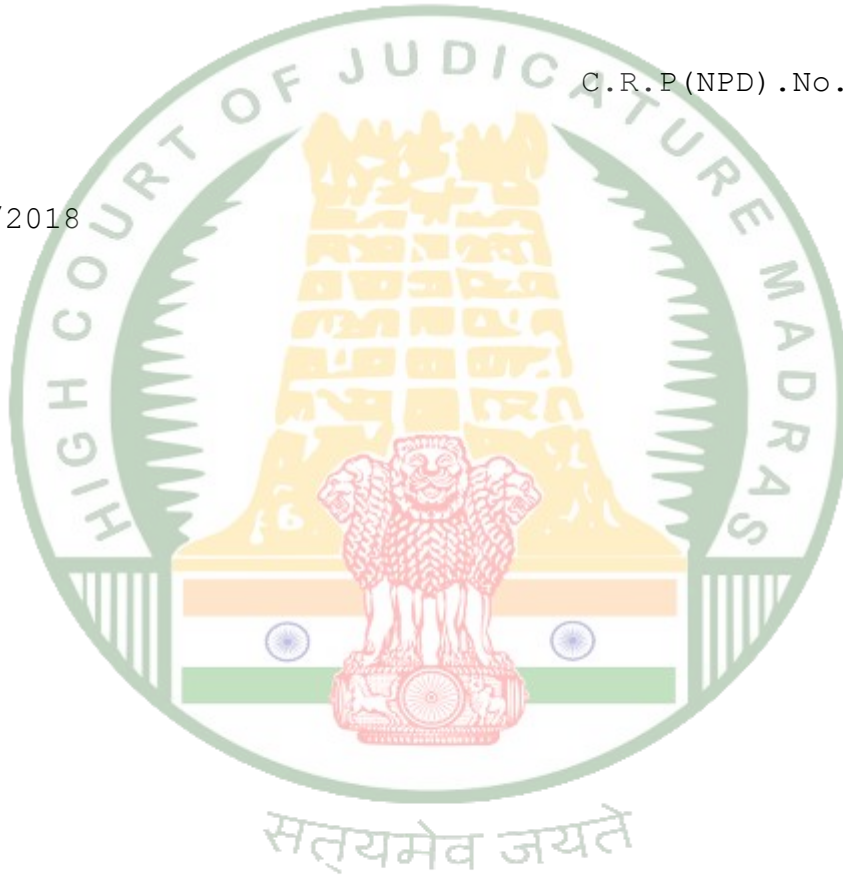
To

The Additional Subordinate Judge,
The Motor Accidents Claims Tribunal,
Nagapattinam.

+lcc to Mr.M.Rajasekhar, Advocate SR.43088

C.R.P(NPD) .No.411 of 2006

gj[co]
srg 27/07/2018



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