



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) No.1197 of 2017

and

C.M.P (MD) No.11811 of 2017

United India Insurance Company Limited,
Rep. by its Divisional Manager,
Marthandam. ... Appellant/6th Respondent

Vs.

1.Rajendran ... 1st Respondent/Petitioner
Radeeshkumar (Died)

2.Mohanraj

3.Amaravathy

4.G.P.Menaka

5.Pooja ... Respondents 2 to 5/Respondents 2 to 5

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 14.03.2007 made in M.C.O.P.No.6 of 1997 on the file of the Motor Accident Claims Tribunal, Kuzhithurai.

For Appellant : Mr.R.Srinivasan

For Respondents : Mr.K.N.Thambi for R.1
Mr.C.Raja Kumar for R.2 & R.3
R4 and R5- No Appearance

JUDGMENT

This civil miscellaneous appeal is directed against the award passed by the Motor Accident Claims Tribunal, Kuzhithurai, in M.C.O.P.No.6 of 1997 dated 14.03.2007.

2. Heard the learned Counsel appearing for the respective parties and perused the records carefully.

3. It is a case of injury. The accident occurred on 03.09.1995 and the injured/first respondent herein, as claimant, has filed the claim petition. The tribunal has awarded a sum of Rs.1,82,263/-, as compensation and aggrieved over the same, the

appellant / insurance company is before this Court.

4. The manner of the accident as well as the quantum are not disputed, however, the liability is disputed. According to the appellant/insurance company, policy in respect of the vehicle has been issued only on 04.09.1995, whereas, the accident occurred on 03.09.1995. Therefore, they would attempt to plead that since no effective policy was in force at the time of accident, they are not liable to pay compensation.

5. However, on a careful perusal of the records, it is seen that though policy was issued on 04.09.1995, the premium has been paid on 01.09.1995 itself, i.e., much prior to the date of accident. Therefore, this Court is of the view that the policy was in force at the time of accident, as rightly held by the tribunal.

6. Since the only ground raised by the appellant lacks merit, this civil miscellaneous appeal is liable to be dismissed and the same is accordingly dismissed. The award passed by the tribunal stands confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To
The Subordinate Judge,
Motor Accident Claims Tribunal, (Subordinate Court),
Kuzhithurai.

Copy to:
The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Mr.R.Srinivasan , Advocate in SR No. 63004
+ 1 cc TO Mr.K.N.Thampi , Advocate in SR No. 62551

gk
AE/SV MMS/SAR3/31.05.2018/2P/6C

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