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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) .No.494 of 2018

and

C.M.P. (MD) .No.5892 of 2018

Oriental Insurance Company Limited,
through its Branch Manager,
Chekkalai,
Karaikudi.

...Appellant/3rd respondent

Vs.

1.Muthusamy

... 1st respondent / Claimant

2.Ravi

.. 2nd respondent/ 1st respondent

3.Amirthavalli

.. 3rd respondent /2nd respondent

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 05.06.2012, passed in M.C.O.P.No.15 of 2004 by the Motor Accident Claims Tribunal, Devakottai.

For appellant

: Mr.C.Jawahar Ravindran

JUDGMENT

Heard the learned counsel appearing for the appellant / Insurance Company.

2. It is a case of injury. The manner of the accident is not in dispute. The accident is of the year 2004. The appellant / Insurance Company has filed this appeal only questioning the liability on the ground that at the time of the accident, the driver of the insured vehicle was holding only Light Motor Vehicle license and he was not having badge endorsement to drive the transport vehicle.

3. The issue involved in this appeal has already been settled by the Hon'ble Supreme Court in the decision in **Mukund Dewangan Vs. Oriental Insurance Company Limited**, reported in **2017 (2) TN MAC 145 (SC)**, wherein it has been clearly held that if a driver is holding licence to drive Light Motor Vehicle, he can drive the transport vehicle of such class without any endorsement to that effect. Here, in this case, it is not in dispute that the first respondent, driver of the vehicle, had Light Motor Vehicle licence at the time of the accident and therefore, the ground raised by the appellant is liable to be rejected in toto.



4. In view of the above, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Motor Accident Claims Tribunal,
Devakottai.

+1cc to Mr.C.Jawahar Ravindran, Advocate Sr.No.73426

GCG

VB/KAK/SAR4/29.08.2018/2P/3C

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