

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2921 of 2006
and M.P.No.2 of 2006

The Branch Manager,
The New India Assurance Co.Ltd.,
Motor Third Party Cell
No.15, Moore Street
Chennai-600 001. Appellant/2nd Respondent

Vs

1.T.Shankar1st Respondent/Petitioner
2.A.Udayashankar2nd Respondent/1st Respondent

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 30.04.2004 made in MCOP No.4179 of 2000 on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court-II, Chennai.

For Appellant : Mr.M.Krishnamurthy

JUDGMENT

This appeal is preferred by the appellant Insurance Company against the award of a sum of Rs.1,48,247/- with interest at the rate of 9% per annum from the date of petition, towards compensation to the first respondent, due to the injuries suffered by him in a motor vehicle accident.

2.It is seen that batta with petition due in respect of the respondents. The appellant Insurance Company has not taken steps to serve papers to the respondents, even at this length of time.

3.When this appeal was taken up, the learned counsel for the appellant Insurance Company has submitted that the First Information Report in respect of the accident has been lodged by the first respondent after an inordinate delay of 311 days, before the T.Nagar Police Station and that on investigation it came to light that the vehicle insured with the appellant has been falsely implicated. Accordingly the appellant filed a complaint before the CBCID Police that the alleged accident and

the claim made by the first respondent were bogus, and pending investigation with the CBCID, the above award has been passed by the Tribunal.

4.The learned counsel for the appellant also submitted that the first respondent filed an Execution Petition in E.P.No.1300 of 2000 before the VI Judge, Court of Small Causes at Chennai to execute the decree passed in the above MCOP No.4179 of 2000 and after coming to know about the proceedings initiated by the appellant before the CBCID Police, the first respondent submitted a letter to the appellant Insurance Company that the claim petition and the Execution Petition were initiated inadvertently without his knowledge and that he would not pursue the Execution Petition and the award. The learned counsel has also filed a memo to that effect.

5.A copy of the letter written by the first respondent to the appellant Insurance Company has also been produced, in which it is stated by the first respondent that the whole sequence of events had happened without his knowledge and that he would undertake that he will not take any step for enforcing the award in any manner.

6.In view of the above, the Civil Miscellaneous Appeal stands closed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Motor Accidents Claims Tribunal,
Additional District Judge, Fast Track Court-II, Chennai.
- 2.The Section Officer,
VR Section, Madras High Court.

+1cc to Mr.M.Krishnamoorthy, Advocate Sr.71596

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srg 12/02/2020