

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1047 of 2011

The Divisional Manager,
The New India Assurance Company,
Pondicherry.

...Appellant/ RespondentII

Vs.

- 1.Edward ...1st Respondent/ Petitioner
- 2.M.Mahin ... 2nd respondent/ 1st respondent
- 3.Syed Marickar ...3rd respondent/3rd respondent
- 4.The Divisional Manager,
National Insurance Company,
Pondicherry.4th Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 15.11.2010 passed in MCOP.No.973 of 2002 on the file of the Motor Accident Claims Tribunal / Additional District & Sessions Judge - Fast Track Court No.1, Chidambaram.

For Appellant : Mr.S.Jayasankar
For Respondents : No appearance

J U D G M E N T

The Divisional Manager, the New India Assurance Company Limited is the second respondent in MCOP No.973 of 2002 on the file of the Additional District and Sessions Judge / Motor Accident Claims Tribunal, Chidambaram.

2. The first respondent / claimant filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.5,00,000/- for the injuries sustained by him in a road accident on 10.01.2009.

3. The case of the claimant is that on 10.01.2009, he was driving a Maxi Van bearing Registration No.TN 31 U 2079 belonging to the third respondent along Bommipalayam Road and at about 2.00 pm, the driver of the Tata Safari bearing registration No. KL 11 J 007 belonging to the first respondent and insured with the second respondent hit him, as a result whereof, he sustained grievous injuries all over his body.

4. According to the claimants, the accident took place due to the rash and negligent driving of the driver of the car bearing Registration No. KL 11 J 007 belonging to the first respondent and that since the said car was insured with the National Insurance Company Limited, the owner and the insurer are jointly and severally liable to pay compensation to him.

5. The learned Additional District & Sessions Judge / Motor Accident Claims Tribunal, Chidambaram after analysing the evidence on record, awarded a compensation of Rs.70,000/- together with interest at the rate of 7.5% per annum to the claimant. Aggrieved over the orders passed by the Tribunal, the Divisional Manager, the New India Assurance Company has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Mr.S.Jayasankar, learned counsel appearing for the appellant contended that though FIR was registered against the claimant, the Tribunal was wrong in holding that the driver of Tata Safari Car bearing Registration No. KL 11 J 007 was responsible for the accident and thereby fastening liability on the appellant.

7. No appearance for the respondents.

8. In the instant case, though FIR was registered against the claimant, no final report was filed by the Police against the claimant. Moreover, the claimant has clearly deposed that the driver of Tata safari car was responsible for the accident and no contra evidence was adduced on the side of the appellant. In fact, the Tribunal had dealt with the negligence aspect in extenso and had clearly held that the rash and negligence on the part of the driver of Tata safari car was the cause of accident. All the observations made by the Tribunal are perfectly in order and no interference is warranted by this Court. सत्यमेव जयते

9. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The orders passed by the Tribunal is upheld.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

pns

To

1.The Additional District & Sessions Judge,
Motor Accident Claims Tribunal,
Fast Track Court No.1,
Chidambaram.

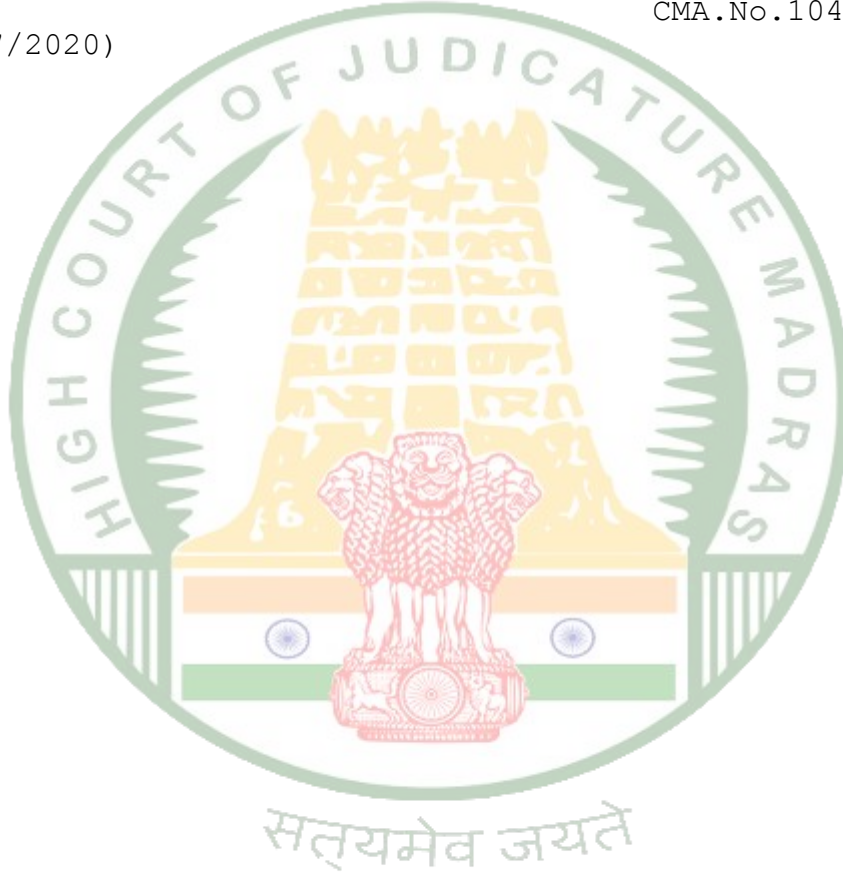
Copy to:

The Section Officer, VR Section, High Court, Madras.

+lcc to Mr.S.Jayasankar , Advocate SR.No. 94013

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A.SK(22/07/2020)



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