

IN THE HIGH COURT OF JUDICATURE AT MADRAS
THURSDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND NINETEEN

PRESENT:

THE HON'BLE MR. JUSTICE R.MAHADEVAN

C.M.A.Nos.15 of 2009

Royal Sundaram Alliance Insurance Co. Ltd.,
Nos.45 and 46, Sundaram Towers
Whites Road, Chennai 600 014

... Appellant/2nd Respondent

..vs..

1.Sundaram ... 1st Respondent/Petitioner
2.Pandithurai ... 2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and Decree, dated 31.03.2008, made in M.C.O.P.Nos.13 of 2006 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Ariyalur.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr.N.Vijayaraghavan, Advocate for the Appellant and Mr.A.A.Venkatesan Advocate for the 1st Respondent, and this Court observes that the tribunal has ordered the Insurance company to pay compensation and recover the same from the Owner of the vehicle which is not correct and the Insurance company is not liable to pay the compensation to the first respondent herein/claimants, this Court while allowing the Civil Miscellaneous Appeal, doth order and decree as follows:

- 1.that the Judgment and decree of the Court below in respect of question of liability on the Insurance Company to pay the compensation be and hereby is set aside.
- 2.That the quantum of compensation passed by the tribunal against the Appellant herein/Insurance company be and hereby is set aside; and against the owner of the vehicle alone;
- 3.that if any amounts had already been deposited by the Appellant herein/Insurance Company, the Insurance

Company shall be at liberty to withdraw the same by making proper application before the tribunal.

4. That there be no costs in this Appeal.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

To

1. Motor Accident Claims Tribunal,
Sub Judge, Ariyalur.

+1cc to Mr. N. Vijayaraghavan, Advocate, S.R.No.73061
+1cc to Mr. A. A. Venkatesan, Advocate, S.R.No.72421

C.M.A.Nos.15 of 2009
Nature of the JUDGMENT: Allowed
the Civil Miscellaneous Appeal
preferred against the Judgment
and Decree dated 31.03.2008 made
in MCOP.No.13/2006 on the file of
the Motor Accident Claims
tribunal, Subordinate Judge,
Ariyalur and etc., stated
therein.

NR (CO)
CB (16/08/2021)