

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISHKUMAR

C.R.P. (NPD) Nos. 3203 & 3223 of 2009
and
M.P.No.1 of 2009
in
C.R.P.No.3203 of 2009

The New India Assurance Co.Ltd.,
42, Big Street, Tiruvannamalai.Petitioner in both petitions/
2nd Respondent

Vs

1.Dharmalingam S/o. Ganapathy
.....1st Respondent in C.R.P.No.3203 of 2009/
Claimant

1.Sellamutthu1st Respondent in CRP.3223/2009/Claimant

2.Dharmalingam2nd Respondents in both Petitions/
1st Respondent

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the Judgment and Decree dated 17.04.2008 made in O.P.No.196 of 2007 and in O.P.No.170 of 2007 on the file of the Motor Accidents Claims Tribunal (FTC) at Kallakurchi.

For Petitioner : Mr.G.Udayasankar
(in both CRPs)

For Respondents : No appearance
(in both CRPs)

C O M M O N O R D E R

These revision petitions have been filed against the order of the Motor Accident Claims Tribunal ordering the revision petitioner to pay a sum of Rs.7,000/- arrived as compensation and to recover the same from the 2nd respondent herein.

2.The petitioners were admittedly travelled in a goods vehicle on 03.04.2006 who were met with an accident, as a result of they sustained minor injuries and they have filed petitions before the trial Court. The 2nd respondent / Insurance Company

contended that the liability cannot be fastened on them and the 1st respondent is liable to pay the amount being the owner of the goods vehicle. Hence, the trial Court held that 1st respondent therein is liable to pay the compensation to the petitioners and fixed the compensation of Rs.7,000/- for minor injuries. However, the trial Court directed the insurance company to pay the said compensation on behalf of the 1st respondent therein and thereafter, directed to recover the same from him.

3.Heard Mr.G.Udayasankar, the learned Counsel for the revision petitioner. The contention of the learned Counsel for the revision petitioner is that the liability cannot be fixed on the insurance company. On perusal of the order of the Motor Accidents Claims Tribunal, it is seen that the liability has not been fixed on the insurance company. The trial Court has only directed the revision petitioner to pay the said compensation and recover the same from the 2nd respondent herein. It appears that 50% of the amount has already been deposited.

4.Considering the fact that the compensation amount is only Rs.7,000/- and 50% of the amount has already been deposited, I do not find any illegality in the orders passed by the Motor Accidents Claims Tribunal. Hence, these Civil Revision petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ay
To

The Presiding Judge
The Motor Accidents Claims Tribunal (FTC),
Kallakurchi.

+2 Ccs to Mr.G.Udayasankar, Advocate sr 23896, 23897.

C.R.P. (NPD) Nos.3203 & 3223 of 2009
and
M.P.No.1 of 2009
in
C.R.P.No.3203 of 2009

SJ(CO)
SP(24/06/2019)