

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.M.A.No.2883 of 2015

and

M.P.No.1 of 2015

The National Insurance Company Ltd.,
No.165, Nethaji Road,
Manjakuppam,
Cuddalore.

... Appellant

Vs.

1. C.Ganesan

2. M.Gunasekaran
Respondents

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act 1988, against the award and decree dated 08.04.2013 made in O.P.No.837 of 2010 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court), Cuddalore.

For Appellant : Mr.D.Bhaskaran

For R1 : Mrs.Ramya V.Rao

R2 - Exparte

Judgment

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the award dated 08.04.2013 passed in O.P.No.837 of 2010 by the Motor Accidents Claims Tribunal (Special Subordinate Court), Cuddalore.

2. The brief facts of the appellant is that on 07.05.2010 at about 4.00 p.m., while the first respondent was riding as pillion rider in moped bearing Registration

No. TN-04-A-4862 on the left side of the Cuddalore - Vridhachalam Road at Thondamanatham, the second respondent's Van bearing Registration No.TN-31-H-3363 came in the opposite direction at a very high speed in a rash and negligent manner, hit against the first respondent traveled moped and caused the accident. Due to the impact, the first respondent sustained grievous injuries and multiple fractures all over his body, and he became a permanent disabled in spite of the treatment given. Since the second respondent is the owner and the appellant is the insurer of the vehicle, the first respondent filed a Claim Petition against them before the Motor Accident Claims Tribunal (Special Subordinate Court), Cuddalore, claiming a sum of Rs.5,00,000/- as compensation for the expenditure made for the treatment.

3. Denying the mode of accident, the appellant insurance company has contended that the accident occurred only due to the rash and negligent driving of the person who drove the moped and there is no fault on the part of the owner of the vehicle. Further, at the time of accident, the said person was not having any valid licence to drive the vehicle and therefore, the first respondent is not entitled to claim any compensation from the Insurance Company.

4. The Tribunal, considering the pleadings, oral and documentary evidence, allowed the petition in favour of the claimant and awarded a sum of Rs.4,57,850/- as compensation to the claimant under various heads. Aggrieved by the award, the appellant insurance company has preferred this appeal before this Court.

5. However, the learned counsel appearing for the appellant would submit that they have already deposited the entire award amount to the credit of O.P.No.837 of 2010 and the claimant also withdrawn the same.

6. In view of the submission made by the learned counsel for the appellant, no further orders can be passed in this appeal and accordingly, this Civil Miscellaneous Appeal is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

raja

To

The Motor Accidents Claims Tribunal (Special Subordinate Court),
Cuddalore.

Copy to:
The Section Officer,
VR Section, High Court, Madras

+1cc to Mr.A.N.Viswanatha Rao , Advocate SR.No. 57517

C.M.A.No.2883 of 2015
and
M.P.No.1 of 2015

A.SK(30/09/2019)



WEB COPY