



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

C.M.A. (MD)No.28 of 2010

Rajalakshmi Viswanathan

... Appellant/Claimant

Vs.

1.Latha

2.The Branch Manager,
National Insurance Co.Ltd.,
South Main Street,
Thanjavur.

... Respondents/Respondents

Prayer: The Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 09.10.2009 made in M.C.O.P.No.266 of 2007 by the Motor Accident Claims Tribunal (Additional Sub Court), Thanjavur.

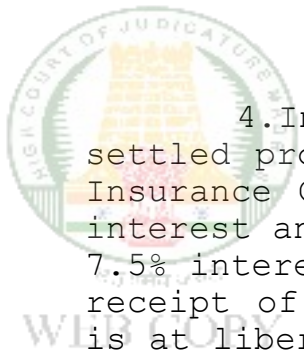
For Appellant : Mr.G.Karnan
For Respondents : Mr.A.S.Mathiyalagan for R2

JUDGMENT

This Civil Miscellaneous Appeal against the judgment dated 09.10.2009 made in M.C.O.P.No.266 of 2007 by the Motor Accident Claims Tribunal (Additional Sub Court), Thanjavur.

2.Though the appellant has filed the present Appeal, challenging the liability, today when this matter is taken up for hearing, the learned counsel appearing for the appellant would submit that it would suffice if the 2nd respondent / Insurance Company may be directed to pay the entire compensation and recover the same from the 1st respondent / owner of the vehicle, the appellant would be satisfied.

3.The learned counsel appearing for the 2nd respondent / Insurance Company would submit that he has no objection for the submission made by the learned counsel appearing for the appellant. Further, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that it is settled proposition of law that in case of absence of driving licence for the driver of the vehicle, Court shall direct the Insurance Company to pay the compensation and thereafter, recover the same from the owner of the vehicle.



4. In view of the submission made on either side and also the settled proposition of law, this Court directs the 2nd respondent / Insurance Company to pay the entire compensation amount along with interest and costs as awarded by the Tribunal i.e., Rs.86,285/- with 7.5% interest per annum, within a period of 8 weeks from the date of receipt of a copy of this order and thereafter, the 2nd respondent is at liberty to recover the same from the 1st respondent / owner of the vehicle. Accordingly, the Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

The Motor Accident Claims Tribunal (Additional Sub Court),
Thanjavur.

+1 CC to M/s.G.KARNAN, Advocate SR-87896.

+1 CC to M/s.A.S.MATHIALAGAN, Advocate SR-88130.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai - 2 Copies

C.M.A. (MD) No.28 of 2010
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CS (11.10.2019) 2P 6C