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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NOS.1345 TO 1347 OF 2009

AND

M.P.NOS.1, 1, 1 OF 2009

(Through Video Conferencing)

The National Insurance Company Ltd.,  
B.O.I, Thanthai Periyar Marketing Complex,  
Near Old Bus Stand, Salem - 1.

... Appellant in all C.M.As/4<sup>th</sup> Respondent

Vs.

Prema Priya

... first respondent in  
C.M.A.No.1345 of 2009

Perumal Reddiyar

... first respondent in  
C.M.A.No.1346 of 2009

M.Sellam

... first respondent in  
C.M.A.No.1347 of 2009

2. Ramkumar Gupta

... 2<sup>nd</sup> Respondent in all C.M.As.

3. The Oriental Insurance Company Ltd.,  
Division-7, No.1, Shankar House,  
Makery Circle, Bangalore.

... 3<sup>rd</sup> Respondent in all C.M.As.

4. R.Thilagavathi

... 4<sup>th</sup> Respondent in all C.M.As.



Prayer in C.M.A.No.1345 of 2009: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award and Decree in M.C.O.P.No.411 of 2003, dated 25.07.2008, on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Salem.

Prayer in C.M.A.No.1346 of 2009: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award and Decree in M.C.O.P.No.412 of 2003, dated 25.07.2008, on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Salem.

Prayer in C.M.A.No.1347 of 2009: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award and Decree in M.C.O.P.No.877 of 2004, dated 25.07.2008, on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Salem.

For Appellant : Mr.D.Bhaskaran  
(in all C.M.As)

For Respondents : Not ready in notice  
(in all C.M.As)

#### COMMON JUDGMENT

The Insurance Company is the appellant in these Appeals. It is aggrieved by the impugned Judgment and decree dated 25.07.2008 in M.C.O.P.Nos.411 of 2003, 412 of 2003 and 877 of 2004. By the impugned order, the Tribunal has awarded the compensation by holding the appellant along with the 4<sup>th</sup> respondent and the 3<sup>rd</sup> respondent/Insurance company along with the 2<sup>nd</sup> respondent are equally liable to compensate the claimants in the respective Claim Petition.

2.The learned counsel for the appellant submitted that, as per the FIR, the liability to pay compensation is on the 3<sup>rd</sup> respondent/Insurance Company, with whom the vehicle in question was insured. I have perused the impugned judgment and decree and the evidence on record.





To:

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The Motor Accidents Claims Tribunal,  
Principal Sub Judge,  
Salem.

C.M.A.Nos.1345 to 1347 of 2009  
and  
M.P.Nos.1, 1, 1 of 2009

CNR(CO)  
RLP(09/09/2021)