

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1871 of 2012
and M.P.No.1 of 2012

(Through Video Conferencing)

National Insurance Company Limited,
Branch Manager Office,
Dr.Nanjappa Road,
2nd Floor United Shopping Complex,
Coimbatore Appellant/2nd Respondent

vs.

1.Malliga ...Respondent/Petitioner
2.Saravana Selvan ... Respondents/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree made in M.C.T.O.P.No.2 of 2008 dated 01.06.2011 on the file of the Motor Accident Claims Tribunal (Sub Court) Mannargudi .

For Appellant : M/s.N.B.Surekha

For R1 : No Appearance

For R2 : Mr.Swami Subramanian

J U D G M E N T
सत्यमेव जयते

The Insurance Company is the appellant in this appeal. It is aggrieved by the impugned Judgment and Decree dated 01.06.2011 passed by the Motor Accidents Claims Tribunal, (Sub Court) Mannargudi in M.A.C.T.O.P.No.2 of 2008.

2. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.1,86,900/- as compensation together with interest at 7.5% from the date of the claim petition till the date of deposit, to the 1st respondent/claimant. Aggrieved by the same, the appellant Insurance Company has been filed the present Civil Miscellaneous Appeal.

3. There is no dispute in the facts. In this appeal, the appellant-Insurance Company has sought to assail the impugned Judgment and Decree on the ground that the Tribunal has ordered the appellant Insurance Company to pay and recover the amount from the 2nd respondent owner of the vehicle.

4. Since the appellant Insurance Company is entitled to pay and recover the amount without filing any separate application as per the decision of the Hon'ble Supreme Court in Oriental Insurance Co. Ltd. Vs. Nanjappan and Others, (2004) 13 SCC 224, there is no infirmity in the impugned Judgment and Decree.

5. Therefore, the impugned Judgment and Decree of the Tribunal is confirmed. Accordingly, this Civil Miscellaneous Appeal is liable to be dismissed. If the amount of compensation awarded by the Tribunal has not been deposited, the appellant Insurance Company is directed to deposit the same together with interest at 7.5% from the date of the claim petition till the date of deposit and the cost, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment.

6. On such deposit, the 1st respondent/claimant is entitled to withdraw the same together with interest, by filing suitable application before the Tribunal.

7. The appellant Insurance Company may proceed to recover the aforesaid amount of compensation from the 2nd respondent owner of the vehicle as per the above decision of the Hon'ble Supreme Court.

8. This Civil Miscellaneous Appeal stands dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:
The Subordinate Judge,
Motor Accident Claims Tribunal
Mannargudi.

C.M.A.No.1871 of 2012
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