



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2020 of 2012

M/s. United India Insurance Company Ltd.
No.6, Ganga Giriga, II Floor,
Nungambakkam High Road,
Chennai - 600 034.

...Appellant/2nd Respondent

vs.

1.Govindan
2.Mahaboob Basha

..1st Respondent/Claimant

...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 30.01.2006 and made in MACT.OP.No.13 of 2005 on the file of the Motor Accidents Claims Tribunal (Additional Special Judge) at Krishnagiri.

For Appellant : Ms.R.Sree Vidhya
For Respondents : Mr.M.Selvam for R1
Mr.P.Mani for R2

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the Insurance Company challenging the Award dated 30.01.2006 passed by the Motor Accident Claims Tribunal (Additional Special Judge) at Krishnagiri in MACT.OP.No.13 of 2005.

2.The Motor Accident Claims Tribunal under the impugned Award has directed the Appellant Insurance Company and the second respondent jointly and severally to pay the claimants a sum of Rs.1,41,000/- together with interest and costs as compensation for the injuries sustained by the first respondent due to the accident caused by the insured transport vehicle. The details of the impugned Award are as follows:

Loss of Income	-	Rs.81,000/-
25% Disability	-	Rs.25,000/-
Medical expenses	-	Rs.5,000/-
Extra nourishment	-	Rs.3,000/-



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Attender charges	-	Rs.1,000/-
Transportation to hospital	-	Rs.1,000/-
Pain and suffering, mental agony and shock	-	Rs.25,000/-

Total		Rs.1,41,000/-

3.The Appellant has challenged the Award on the ground that the driver of the insured vehicle did not possess the required badge endorsement in his driving license for driving a transport vehicle. According to them, without badge endorsement for a transport vehicle, the first respondent is not entitled for any compensation from the Appellant Insurance Company as it is a policy violation. The Appellant has also challenged the quantum of compensation awarded by the Tribunal in this appeal.

4.Heard Ms.R.Sree Vidhya, learned counsel for the Appellant, Mr.M.Selvam, learned counsel for the first respondent and Mr.P.Mani, learned counsel for the second respondent.

5.As regards badge endorsement, the law is now well settled as held by the Hon'ble Supreme Court in Mukund Dewangan's case reported in (2016) 4 SCC 298 that it is sufficient that the driver of the insured vehicle possess a valid LMV driving license even for a transport vehicle when the unladen weight of the transport vehicle is less than 7500 kgs. In the instant case, the copy of the driving license of the driver has been marked as Ex.R1 before the Tribunal. The transport vehicle also weights less than 7500 kgs. Hence, the decision referred to supra squarely applies to the facts of the instant case. In such circumstances, the Appellant Insurance Company cannot escape its liability to pay the compensation to the claimant. The Tribunal has rightly held that the Appellant Insurance Company liable to compensate the claim of the first respondent.

6.Insofar as the second ground raised by the Appellant regarding the quantum of compensation assessed by the Tribunal is concerned, the said ground is also unsustainable for the following reasons: a) the nature of injuries sustained by the first respondent has not been disputed by the Appellant as seen from the evidence available on record before the Tribunal, b) the avocation and the age of the first respondent has also not been disputed, c) the first respondent has also filed necessary documents which has been marked as Exs.P1 to P6 before the Tribunal in support of his claim, d) the Tribunal has considered the materials and evidence available on record and only thereafter has passed the impugned Award, directing the Appellant to pay the first respondent a sum of Rs.1,41,000/- together with interest at 7.5% per annum as compensation to the



first respondent. No contra evidence has been produced by the Appellant to disprove the assessment of compensation made by the Tribunal under the impugned Award.

7. For the foregoing reasons, this Court doest not find any merit in this appeal. Accordingly, the appeal shall stand dismissed. The Appellant Insurance Company and the second respondent jointly and severally directed to deposit the entire amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest from the date of the claim till the date of realization and costs to the credit of MACT.OP.No.13 of 2005 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the claimant/first respondent is permitted to withdraw the Award amount by filing appropriate application. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Motor Accidents Claims Tribunal
(Additional Special Judge) at Krishnagiri.

2. The Section Officer,
Vernacular Section,
Madras High Court.

C.M.A.No.2020 of 2012

VBA (CO)
SP(25/08/2021)