

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3096 of 2012

and

MP No.1 of 2012

ICICI Lombard General Insurance  
Company Limited  
'Chottabhai Centre'  
2 and 3<sup>rd</sup> Floors,  
140, Nungambakkam High Road,  
Chennai - 600 034.

...Appellant/2<sup>nd</sup> Respondent

vs.

1.Thangaraj ...1<sup>st</sup> Respondent/Petitioner  
2. Karuppaiah ...2<sup>nd</sup> Respondent/1stRespondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 12.01.2011 made in MCOP No.226 of 2007 on the file of the Motor Accident Claims Tribunal (Additional District Judge) (Fast Track Court) at Ariyalur.

For Appellant : Ms.R.Sree Vidhya

For Respondents : Mr.R.Ganesh Kumar for R1  
Mr.S.Viswanathan for  
M/s.Dass and Viswa Associates  
for R2

सत्यमेव जयते

JUDGMENT

(This appeal was taken up for hearing through Video conferencing)

This appeal has been filed by the Insurance Company challenging the award dated 12.01.2011 passed by the Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court, Ariyalur in MCOP No.226 of 2007.

2. The first respondent sustained injuries as a result of an accident caused by a vehicle insured with the appellant and owned by the second respondent. He preferred a claim seeking for compensation of Rs.3,00,000/- before the Motor Accident Claims Tribunal for the said injuries.

3. The Motor Accidents Claims Tribunal (Additional District Judge, Fast Track Court, Ariyalur) by its award dated 12.01.2011 passed in M.C.O.P. No.226 of 2007, directed the Appellant / Insurance Company to pay the first respondent a sum of Rs.65,500/- together with interests and costs. Aggrieved by the same, this appeal has been preferred by the Appellant / Insurance Company.

4. Heard Ms.R.Sree Vidhya learned counsel for the appellant and Mr.S.Viswanathan, learned counsel for the second respondent.

5. The only ground raised by the Appellant / Insurance Company in this appeal is that the Driver of the insured vehicle did not possess the special badge in his Driving Licence to drive the transport vehicle(insured vehicle).

6. This issue has been well settled by the Hon'ble Supreme Court in the case of Mukund Dewangan versus Oriental Insurance Company Limited reported in 2016 4 SCC 298, wherein the Hon'ble Apex Court has held that for vehicle weighing below 7500 Kg, Badge in a Driving Licence to drive the transport vehicle is not mandatory.

7. This Court has also perused and examined the materials and evidence available on record before the Tribunal and in view of the settled position of law, there is no merit in this appeal and the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. The Appellant / Insurance Company is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.226 of 2007, on the file of the Additional District Judge, Fast Track Court, Motor Accidents Claims Tribunal, Ariyalur, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the first respondent / claimant through RTGS, within a period of two weeks thereafter.

Sd/-  
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

vsi2

To

1. The Motor Accidents Claims Tribunal,  
Additional District Judge,  
Fast Track Court, Ariyalur

2.The Section Officer,  
V.R. Section,  
High Court of Madras,  
Chennai - 104.

C.M.A.No.3096 of 2012

PVS (CO)  
GMY (20/04/2021)



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