

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2625 of 2013

The Divisional Manager,
M/s.United India Insurance Company Limited,
Katpadi Road,
Vellore - 632 004. ... Appellant/2nd Respondent

...Vs...

1.M.Amavasai
2.K.Rajkumar ... Respondents/Petitioner/1st Respondent

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 19.11.2012 made in MCOP.No.151 of 2011 on the file of (Chief Judicial Magistrate) at Vellore.

For Appellant : Mrs.R.Sree Vidhya

JUDGMENT

(This Appeal has been taken up for hearing through Video Conferencing)

This Appeal has been filed by the insurance company challenging the award dated 19.11.2012 passed by the Motor Accident Claims Tribunal (Chief Judicial Magistrate at Vellore) in MCOP.No.151 of 2011.

2. The Appellant insurance company has not challenged the quantum of compensation awarded to the first respondent under the impugned award, but they have challenged its liability to pay the said compensation on the ground that the driver of the insured vehicle did not possess a driving licence.

3. The Tribunal under the impugned award has granted pay and recovery rights to the Appellant for the policy violation committed by the owner for permitting the vehicle to be driven by a person who did not possess a driving licence.

4. It is now well settled that in case of policy violation, the Appellant insurance company is liable to compensate the

third party claim and recover the same from the insured (owner of the vehicle). The Tribunal has rightly applied the settled position of law and has directed the Appellant to pay compensation to the claimant and also permitted the Appellant to recover the compensation paid to the claimant from the owner of the vehicle (insured). This Court does not find any infirmity in the findings of the Tribunal.

5. For the foregoing reasons, this Appeal is dismissed. The Appellant Insurance Company is directed to deposit the amount awarded by the Tribunal, after deducting the amount already deposited, if any, together with interest from the date of claim till the date of deposit and costs to the credit of MCOP.No.151 of 2011 within a period of four weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the first respondent is permitted to withdraw the award amount along with accrued interest lying to the credit of MCOP.No.151 of 2011 by filing an appropriate application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Judicial Magistrate,
Vellore.

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

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