

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2020

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A. No.18 of 2016

And

C.M.P.No.81 of 2016

M/s.United India Insurance Co. Ltd.,
Singhvi Complex,
No.134, Greaves Road,
Chennai-600 006. ... Appellant/Respondent No.2

vs.

Mrs.M.Maruvamma ... Respondent No.1/Petitioner No.1
Mr.Madurai Muthu ... Respondent No.2/Petitioner No.2
A.Rajamanickam ... Respondent No.3/RespondentNo.1

The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 02.02.2015 passed in M.C.O.P.No.1047 of 2009 on the file of the learned II Judge, Small Causes Court-Motor Accidents Claims Tribunal, Chennai.

For Appellant : Mr.J.Chandran

For Respondents-1&2 : Mr.A.A.Venkatesan

J U D G M E N T

The United India Insurance Company is the appellant in the present Civil Miscellaneous Appeal.

2. The fatal accident occurred on 27.09.2008 at about 22.30 hours at Dr.Ambedkar College Road, Opposite to Corporation Office, Zone III, Pulianthope, Chennai-12. The deceased was travelling as a pillion rider in a Motorcycle bearing Registration No.TN-02-K-3557. Grievous multiple injuries resulted in death of the deceased. The claimants are the parents and the claim petition was filed on the pretext that the deceased was the breadwinner of the family and the Tribunal adjudicated the issues and awarded total compensation of Rs.8,81,000/-.

3. The learned counsel appearing on behalf of the appellant mainly contended that the Insurance Company is not liable on account of the fact that the deceased was riding the motorcycle and it is a self-fall accident and therefore, the liability cannot be fixed on the Insurance Company. This apart, no other vehicle was involved in the accident are raising doubtful circumstances, the learned counsel for the appellant reiterated that the Tribunal has committed an error in granting award of compensation of Rs.8,81,000/-.

4. Though the learned counsel for the appellant is of an opinion that grounds are sufficient to interfere with the Award of the Tribunal to the fact remains that the Award of compensation, which was deposited had already been withdrawn by the claimants long back and this apart, the vehicle which met with an accident was also sold in favour of other third parties and several owners have involved after the occurrence of the accident and under these circumstances, no useful purpose would be served in the event of adjudicating the grounds raised by the appellant on account of efflux of time and the fact that the Award amount has already been settled to the claimants. If any balance amount is lying before the Motor Accidents Claims Tribunal, then it is left open to the claimants to withdraw the same by filing an appropriate application. Thus, this Court is not inclined to entertain the grounds raised by the appellant in this appeal.

5. Accordingly, the judgment and decree dated 02.02.2015 passed by the learned II Judge, Small Causes Court-cum-Motor Accidents Claims Tribunal, Chennai in MCOP No.1047 of 2009 is confirmed and consequently, C.M.A.No.18 of 2016 stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The II Judge,
Small Causes Court-cum-
Motor Accidents Claims Tribunal,
Chennai.

Copy to

The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.J.Chandran, Advocate Sr.21085
+1cc to Mr.A.A.Venkatesan, Advocate Sr.21607

CMA No.18 of 2016

svi[co]
srg 11/11/2020



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