

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3063 of 2013

and

M.P.No.1 of 2013

(Through Video Conferencing)

United India Insurance Co. Ltd.,
Rep. by its Branch Manager,
11-A, M.C.Road, Ambur. ... Appellant

Vs.

1.Nagarathinam
2.Chittibabu ... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 31.03.2011 made in M.C.O.P.No.370 of 2006 on the file of the Motor Accidents Claims Tribunal, Sub Court, Thirupathur.

For Appellant : Mr.S.Arun Kumar

For Respondents: No appearance

J U D G M E N T

The Insurance Company is the appellant and is aggrieved by the impugned Judgment and Decree dated 31.03.2011 passed by the Motor Accidents Claims Tribunal cum Subordinate Court, Thirupathur in M.C.O.P.No.370 of 2006.

2. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.1,85,000/- 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. Considering the facts of the present Civil Miscellaneous, 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. I therefore find 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 such deposit and cost if any, less 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. Thereafter, the appellant Insurance Company may recover the aforesaid amount of compensation from the 2nd respondent owner of the vehicle as per the above mentioned decision of the Hon'ble Supreme Court.

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

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1.The Motor Accidents Claims Tribunal,
Sub Court, Thirupathur.

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

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CP (CO)
RMP (22/01/2021)



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