

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.473 of 2014
and M.P.No.1 of 2014

The Branch Manager,
The Oriental Insurance Co. Ltd.,
The Branch Office, First Floor,
Teen Plaza Complex, State Bank Road,
Mayiladuthurai Taluk & Town,
Nagapattinam District.

..Appellant/2nd Respondent

Vs.

1.Kanaga (Minor)
(Represented by her
Father & NF Indrajith)

..1st Respondent/Claimant

2.Murugaiyan

..2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.192 of 2010 dated 26.09.2013 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Court, Mayiladuthurai.

For Appellant : Mr.E.Rajadurai
for M/s.N.Vijayaraghavan

For Respondents : R1 - served - no appearance
R2 - exparte in Tribunal

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the Appellant Insurance Company challenging the Award dated 26.09.2013 passed by the Motor Accident Claims Tribunal, Additional Subordinate Court, Mayiladuthurai, in M.C.O.P.No.192 of 2010.

2.Heard Mr.E.Rajadurai, learned counsel for the Appellant. Despite the name of the first respondent having been printed in the cause list, there is no appearance on her side. However, notice to the second respondent has not been served, but he has remained exparte before the Tribunal and hence notice to second respondent is dispensed with by this Court.

3.The Tribunal under the impugned Award has directed the Appellant Insurance Company to pay the first respondent/claimant a compensation of Rs.10,000/- together with interest and cost

for the injuries sustained by her as a result of an accident on 17.05.2009 caused by a vehicle owned by the second respondent and insured with the Appellant.

4.The Appellant Insurance Company has challenged the impugned Award primarily on the ground that the insurance policy is an Act only policy which does not give coverage to the first respondent/claimant, who was not a third party. She was a gratuitous passenger travelling in the insured private car.

5.The compensation awarded by the Tribunal to the first respondent/claimant was only a meagre sum of Rs.10,000/-. The accident happened in the year 2009. Almost 11 years have lapsed since the date of the accident and considering the fact that the compensation awarded by the Tribunal is only a meagre sum of Rs.10,000/-. There is no necessity for this Court to adjudicate this appeal on merits. The provisions in the Motor Vehicles Act for adjudicating the motor accident claims are benevolent provisions to assist the accident victims in recovering compensation as expeditiously as possible. The impugned Award is dated 26.09.2013. No useful purpose will be served if the appeal is decided on merits that too when the compensation awarded by the Tribunal under the impugned Award was only for a sum of Rs.10,000/- together with interest and cost. Such kind of appeals involving a meagre sum of Rs.10,000/- ought not to have been filed by the Appellants at the first instance. If these kind of appeals are entertained by this Court, the higher Courts will be flooded with innumerable matters which practice should be curbed and nipped in the bud.

6.For the foregoing reasons, this appeal is dismissed. The Appellant Insurance Company is directed to deposit the entire amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest at the rate of 7.5% p.a. from the date of the claim till the date of realization to the credit of M.C.O.P.No.192 of 2010, on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Court, Mayiladuthurai, within a period of four weeks from the date of receipt of a copy of this Judgment. Since the first respondent/claimant is a minor, her award amount shall be deposited in any nationalised banks till she attains majority and the father of the first respondent/guardian is permitted to withdraw the accrued interest once in six months. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

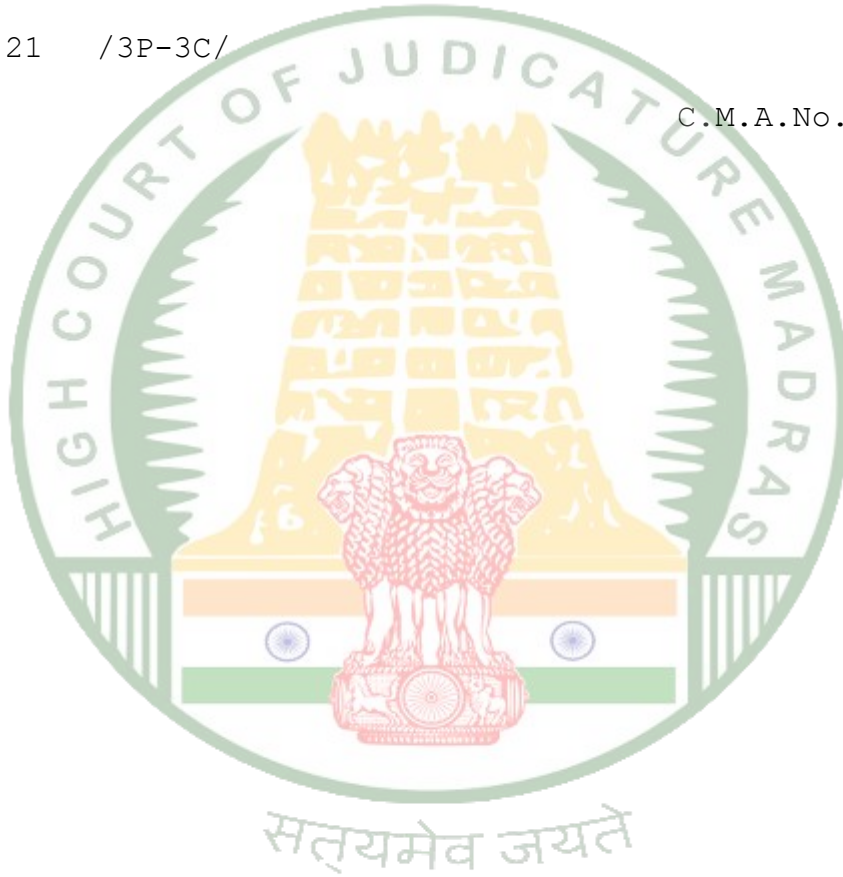
To

The Motor Accidents Claims Tribunal,
Additional Subordinate Court,
Mayiladuthurai.

Copy to : The Section Officer,
Vernacular Section,
Madras High Court.

AKM/21.04.21 /3P-3C/

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