



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

C.R.P. (PD) (MD) Nos.244 to 246 of 2010

and

M.P. (MD) Nos.2, 2 and 2 of 2010

WEB COPY

United India Insurance Company Ltd.,
23-F, E.V.R.Road,
Puthur, Trichy-17.

... Petitioner in all petitions

vs.

1.Chandra
2.K.Rajendran ... Respondents in C.R.P. (MD) No.244 of 2010

1.Karuppayee
2.K.Rajendran ... Respondents in C.R.P. (MD) No.245 of 2010

1.Palaniandi
2.K.Rajendran ... Respondents in C.R.P. (MD) No.246 of 2010

COMMON PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the common judgment and decree dated 06.08.2007 made in M.C.O.P.Nos.1713, 1714 and 1715 of 2002 on the file of the Motor Accident Claims Tribunal (III Additional Subordinate Judge) at Tiruchirappalli.

For Petitioner: Mr.N.Murugesan
For R1 : No Appearance
For R2 : Mr.A.S.Gopala Manikandan
(in all petitions)

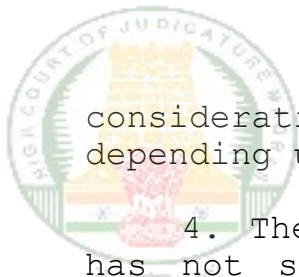
COMMON ORDER

These civil revision petitions are filed by the Insurance Company challenging the award made in M.C.O.P.Nos.1713, 1714 and 1715 of 2002 that were filed by the respondents seeking compensation for injuries suffered in a road accident that took place on 02.06.2000.

2. While admitting the factum of the accident and the nature of the injuries suffered by the claimants, the Insurance Company resisted the claims solely on the ground that the respondents were unauthorized passengers in a goods vehicle and therefore, the Insurance Company is not liable to pay compensation.

3. Owner of the vehicle namely second respondent in all petitions, remained exparte before the Tribunal. The Tribunal on

<https://hcservices.ecourts.gov.in/hcservices/>



consideration of the evidence on record, granted compensation depending upon the injuries sustained by the claimants.

4. The learned counsel for the petitioner / Insurance Company has not seriously disputed the quantum. According to him, the Tribunal was not justified in directing the Insurance Company to pay compensation with liberty to the Insurance company to recover the same from the owner of the vehicle. Considering the quantum of compensation, I do not think that the Tribunal should be faulted for ordering pay and recovery.

5. It is the case of violation of policy condition. Existence of policy is admitted. I do not see any irregularity in the award of the Motor Accident Claims Tribunal, Tiruchirappalli in ordering pay and recovery. This being the revision under Article 227 of the Constitution of India, I do not think that I can interfere with the discretion exercised by the Tribunal, unless it is shown to be materially irregular. In view of the same, I do not find any ground to interfere with the award of the Tribunal. In view of the same, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The III Additional District Court,
Tiruchirappalli.

+3 CC to Mr.N.MURUGESAN, Advocate SR-5455,5454, 5456

C.R.P. (PD) (MD)No.244 to 246 of 2010

06.02.2020

MK (26.02.2020) 2P 5C