



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twelfth day of March Two Thousand and Twenty

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMA(MD). No.649 of 2017

THE DIVISIONAL MANAGER,
THE NATIONAL INSURANCE CO.LTD.,
DIVISIONAL OFFICE,
PROMENADE ROAD,
CANTONMENT TRICHY-1..

... Appellant/Respondent -2
Vs

1.AMUDHA
2.ANBU PRABU
3.ARUN PRABU
4.RADHIKA

...Respondents/Petitioners
... Respondent/Respondent - 1

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 23.11.2016 made in MCOP.No.1589 of 2013, on the file of the Motor Accidents Claims Tribunal(Special District Judge), Trichy.

DECREE:-This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MRS.SHIVASHANKARI FOR MR.S.SRINIVASA RAGHAVAN, Advocate for the Appellant and of MR.N.SUDHAKAR NAGARAJ, Advocate for the respondents this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal(Special District Judge), Trichy, dated 23.11.2016 made in MCOP.No.1589 of 2013, be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed.

(2) that the learned counsel for the appellant would submit that on the negligence aspect, they have not raised any claim. There is no quarrel with the settled proposition of law, As stated by the learned counsel for the appellant, though the Hon'ble Supreme Court has not specifically held that the legal heirs of the persons, who drove the vehicle are entitled to get compensation, this Court is of the view that as per the package policy, in this case, the respondents 1 to 3/Claimants are entitled to get compensation and



WEB COPY

(3) That there be no costs in this Civil Miscellaneous Appeal.

// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal (Special District Judge),
Trichy.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.S.SRINIVASARAGAVAN, Advocate, SR-11449

ORDER DATED :12/03/2020

=====
DECREE
=====

CMA(MD) . No.649 of 2017

Nature of Decree:- Dismissing
the Civil Miscellaneous Appeal
preferred against the judgment
and decree dated 23.11.2016
made in MCOP.No.1589 of 2013,
on the file of the Motor
Accidents Claims Tribunal
(Special District Judge),
Trichy etc., as stated within.

SMA/19/05/2020/2P/5C