



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

CMA No.2368 of 2013

and

M.P No.1 of 2013

M/s.National Insurance Company Ltd.,
92, Devangapuram, LRN Colony
Saradha College Main Road
Hasthampatty, Salem-7.

... Appellant/2nd Respondent

..vs..

1.Ponraj

... 1st Respondent/Claimant

2.Saradha

... 2nd Respondent/1st Respondent

3.Rajesh Kannan

... 3rd Respondent/3rd Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.07.2012 made in M.C.O.P.No.98 of 2008, on the file of the Motor Accidents Claims Tribunal, I Additional Subordinate Judge, Salem.

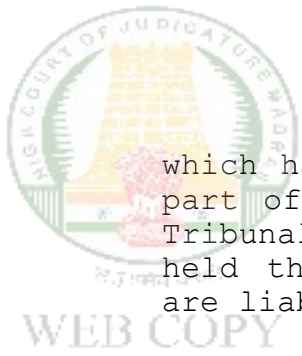
For Appellant : Mr.D.Bhaskaran

For Respondents : Mr.K.Prasanna
For M/s.Mukund R.Pandiyan for R1
Notice unserved to R2 & R3

J U D G M E N T

Dissatisfied with the judgment and decree, dated 24.07.2012, passed by the Tribunal awarding compensation of Rs.1,80,300/- along with interest at the rate of 7.5% per annum, the Appellant/ Insurance Company is before this Court to set aside the judgment and decree by the Tribunal.

2. The appellant/insurance company has filed this appeal before this Court on the ground that the vehicle viz., Tanker cum Tractor bearing Registration No.TN-67-P-8578 attached with the appellant insurance company. The claimant has claimed the compensation amount against the 3rd respondent who is the owner of the vehicle/road roller bearing Registration No.KL-11-L-6632



which has caused the accident and there is no negligence on the part of the driver of the appellant insured vehicle. But, the Tribunal has wrongly misconsidered the facts of the case and held that both the insured vehicles and the offending vehicle are liable to pay the compensation amount.

3. Mr.D.Bhaskaran, learned counsel appearing for the claimant would fairly agreed that the negligence is on the part of the driver of the 3rd respondent and therefore, the appellant insurance company is not held liable for payment of compensation. However, when the matter came on several occasions before this Court, at the instance of the counsel for the appellant who has taken efforts to settle the matters and taking the period of litigation pending before the Tribunal as well as before this Court, ultimately, the claimant would suffer for the delay. Based on the advise, the appellant/insurance company has also agreed for settling the matter with the claimant. Both the learned counsel for the parties had discussed and finally, the appellant/insurance company is agreed to pay a sum of Rs.1,50,000/- to the first respondent/claimant. The first respondent/claimant is also agreed to receive Rs.1,50,000/- as compensation.

4. In view of the submissions made by the counsel for the parties, this Court directs the appellant/ insurance company to deposit a sum of Rs.1,50,000/- along with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation of the amount, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made by the insurance company, the first respondent/claimant is entitled to withdraw the same by filing necessary applications before the Tribunal.

5. Recording the submissions made by the counsel on either side, this Civil Miscellaneous Appeal is disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Uma



To

1. The Motor Accidents Claims Tribunal,
I Additional Subordinate Judge, Salem.

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

+1cc to Mr. Mukund R. Pandiyan, Advocate, S.R.No.21171

CMA.No.2368 of 2013
and
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LN(CO)
GN(12/10/2021)