

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWENTY SECOND DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.3260 of 2014

National Insurance Company Limited,
No. 37/2E, Salem Main Road,
Mettur Dam R.S.P.G. No. 19,
Mettur Dam, Salem District - 636 402.

...Appellant /2nd respondent

Vs

1. Latha

2. Sekar

3. P.Velu

(Exparte before the Tribunal 1 & 3
Respondents)

...Respondents/Petitioner/Respondents 1 & 3

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 28.03.2014 made in M.A.C.T.O.P. No. 907 of 2010 on the file of Motor Accidents Claims Tribunal / 2nd Additional District Court, Salem.

DECREE:-

This Civil Miscellaneous Appeal coming on for hearing, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Ms.N.B.Surekha, Advocate for the Appellant and of Mr.S.P.Yuvaraj, Advocate for the respondent 1, 2nd respondent none appeared in person or by advocate and the 3rd respondent herein having remained set exparte before the tribunal and notice may be dispensed with as per order dated 24.09.2021 and this Court observed that if the accident victims were travelling in a goods vehicle and they were gratuitous passengers, the Insurance company is not liable to pay the compensation and the Court for the Appellant / Insurance Company has already been deposited the award amount before the tribunal, this Court while

allowing the Civil Miscellaneous Appeal, doth order and decree as follows:-

- 1.That the compensation award and Decree dated 28.03.2014 made in M.A.C.T.O.P. No. 907 of 2010 on the file of Motor Accidents Claims Tribunal / 2nd Additional District Court, Salem be and hereby is set aside.
- 2.That the Appellant herein / Insurance Company be and hereby is permitted to withdraw the amount deposited by them by filing on appropriate application before the tribunal.
- 3.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ab/nl

To

1. The Motor Accidents Claims Tribunal,
2nd Additional District Court,
Salem.

Copy to:

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

+1cc to M/s.N.B.Surekha, Advocate, S.R.No.54323 & 54324

+1cc to Mr.S.P.Yuvaraj, Advocate, S.R.No.54343

DATED : 22.10.2021

DECREE

C.M.A.No.3260 of 2014

Allowing the Civil
Miscellaneous Appeal preferred
against the Judgment and Decree
dated 28.03.2014 made in
M.A.C.T.O.P. No. 907 of 2010 on
the file of Motor Accidents Claims
Tribunal / 2nd Additional District
Court, Salem, etc., as stated
therein.

PP(CO)
SU(23/11/2021)