



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.173 of 2017

The Divisional Manager,
M/s.The Oriental Insurance Company Limited,
Motor 3rd Party Claims Office (HUB), 13th Street,
Vijayalakshmi Complex, Sathuvachari,
Vellore.

...Appellant/Respondent 2

Vs

1.A.Balaiyan

...Respondent/Petitioner

2.N.Durairaj

...Respondent/Respondent 1

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the decree and judgment dated 30th day of September, 2016 made in M.C.O.P.No.184 of 2013 on the file of the Motor Accident Claims Tribunal (Court of Chief Judicial Magistrate), Vellore.

For Appellant : Mr.K.Vinod

For Respondents : No appearance

JUDGMENT

This civil miscellaneous appeal has been filed by the Insurance Company challenging the impugned award dated 30.09.2016 passed by the Motor Accident Claims Tribunal (Chief Judicial Magistrate, Vellore) in MCOP.No.184 of 2013.

2. Heard Mr.K.Vinod, learned counsel for the Appellant.

3. This Appeal has been filed by the Appellant insurance company challenging its liability to pay compensation to the first respondent/claimant and also challenging the quantum of compensation awarded by the Tribunal.

4. Under the impugned award, the Tribunal has awarded an overall compensation of Rs.1,23,000/- to the first respondent/claimant which cannot be considered to be excessive as alleged by the Appellant Transport Corporation.



5. Under the impugned award, pay and recovery rights were granted to the Appellant Insurance Company on the ground that the driver of the insured vehicle violated the policy condition by carrying excess passengers as well as he was not possessing a driving licence at the time of the accident.

6 . The grounds raised in this appeal are similar to the grounds raised in the connected appeals CMA.Nos.1552 to 1555 of 2016 arising out of the very same accident, which came to be dismissed on 08.07.2021. Since the connected appeals have already been dismissed by this Court on 08.07.2021, this appeal will also have to be dismissed by this Court. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

7. The Appellant Insurance company is directed to deposit the amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest from the date of claim till the date of realisation and costs to the credit of MCOP.No.184 of 2013 before the Tribunal within a period of four weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent/Insured. On such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.184 of 2013 to the bank account of the first respondent/claimant through RTGS one week thereafter.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate,
Vellore.

+1cc to Mrs.Elveera Ravindran, Advocate, S.R.No.49371

C.M.A.No.173 of 2017

PMK(CO)
RGA(25/11/2021)