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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.2338 OF 2017

AND

C.M.P.NO.12584 OF 2017

New India Assurance Co. Ltd.,
Kumaran Shopping Complex,
Kumaran Road, Tiruppur.

.. Appellant/3rd Respondent

vs.

1. Ranga Nayagi
2. Jayalakshmi
3. Mekala
4. Minor R.Sathish
5. V.Subramaniam
6. Kuppammal
(minor rep. by his mother and
next friend 1st respondent)

.. Respondents 1 to 6/
Petitioners 1 to 6

7. R.Arunthathi
8. National Insurance Co. Ltd.,
Branch Office, 81 D Chetty Street,
Opp. Bus Stand,
Tiruchengode - 637 211.
9. R.Thilagam
10. Minor R.Keerthana

.. Respondents 7 to 10/
Respondents 1, 2, 4 & 5

(Respondents 7, 9 & 10 are exparte in Lower Court and
hence Notice may be dispensed with)

Appeal filed under Section 173 of the Motor Vehicles Act,
1988 against the judgment and decree in M.C.O.P.No.581 of 2002
dated 21.04.2006 on the file of the Motor Accidents Claims
Tribunal (Chief Judicial Magistrate Court), Erode.



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For Appellant : Ms.Harini
for Mr.N.Vijayaraghavan
For Respondents : Mr.K.Padmanabhan for R8
R7, R9 and R10 - exparte
R1 to R5 - Not ready in notice
R6 - Sd - No Appearance

JUDGMENT

This appeal has been filed by the insurance company, questioning its liability to pay the compensation on the ground that the opposite vehicle namely the lorry bearing Regn. No.TN 34 3372 was alone responsible for the accident.

2.According to the appellant insurance company, as seen from the evidence available on record, the driver of the insured vehicle viz., the Tata Sumo bearing Regn. No.TN 33 9999 was not involved in the accident. The injured victims and the dependants of the deceased involved in the very same accident had also preferred claim before the Tribunal in M.C.O.P.Nos.468 of 2002, 472 of 2002, 468 of 2002 and 473 of 2002 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Erode, which resulted in the award passed in their favour, which was challenged by the insurance company in C.M.A.Nos.3117, 1367, 375 of 2007 & 3539 of 2014.

3.By order dated 20.04.2021, this Court in the connected appeals, rejected the stand taken by the insurance company.

4.This Court has also perused and examined the order dated 20.04.2021 passed in the connected Civil Miscellaneous Appeals and is in agreement with the view taken by another learned single Judge of this Court. Therefore, the present appeal also does not deserve any merit. Accordingly, this Civil Miscellaneous Appeal is also dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi



To

The Motor Accidents Claims Tribunal
(Chief Judicial Magistrate Court),
Erode.

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Copy To

The Section Officer,
V.R. Section,
High Court, Madras - 104.

C.M.A.No.2338 of 2017

AD (CO)
RLP (09/03/2022)