

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2950 of 2017

1. Mahalakshmi
2. Veeramanikandan
3. Sharmila
4. Palaniammal Appellants/ Petitioners

Versus

1. M. Karan,
2. M/s. The Oriental Insurance
Company Limited,
Oriental House,
2nd Floor,
New No.216,
Old No.115, Prakasam Salai,
Broadway,
Chennai - 108. Respondents/ Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 for enhancement of compensation against the judgment and decree dated 09.08.2017 in MCOP No.4985 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Chennai.

For Appellants : Ms.Ramya V. Rao

For Respondents : Mr. D. Bhaskaran for R2
R1 - Unclaimed

JUDGMENT

(Heard video conference)

This appeal has been filed by the claimants challenging the judgment and decree dated 09.08.2017 passed by the Motor Accident Claims Tribunal, Chief Judge Court of Small Causes, Chennai in MCOP No.4985 of 2015, under which the claim filed by the appellants was dismissed.

2. The Tribunal under the impugned judgment and decree dismissed the claim filed by the appellants in MCOP No.4985 of 2015 on 09.08.2017 on the ground that the deceased himself was a Tortfeasor and therefore, the claimants are not entitled for compensation under Section 163-A of the Motor Vehicles Act.

3. It is settled law that the claimants will have to

satisfy the following conditions for seeking compensation under Section 163-A of the Motor Vehicles Act :

a) the owner - driver is the registered owner of the vehicle insured.

b) the owner - driver is the insured named in the policy.

c) the owner- driver holds an effective driving license.

4. As seen from the Exhibits, which have been marked as Exs.P1 to P4 and the oral evidence of the appellants / claimants witness (PW1), the appellants / claimants have not satisfied the aforementioned conditions to make the Insurance Company liable to pay the compensation.

5. Therefore, this Court is of the considered view that the Tribunal has rightly rejected the claim of the appellants / claimants under the impugned award on the ground that the deceased himself was a Tortfeasor.

6. In the result, there is no merit in this appeal and accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Motor Accidents Claims Tribunal,
The Chief Judge,
Chennai.

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

C.M.A.No.2950 of 2017

NR(CO)
SB(22/11/2021)