



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) Nos.1684 & 1685 of 2010

and

M.P(MD)Nos.1 & 1 of 2010

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C.M.A(MD)No.1684 of 2010

United India Insurance Company Limited,
Represented by its Manager,
Seethalakshmi Complex,
Tirunagar, Madurai.

... Appellant/2nd Respondent

vs.

1.K.Venkatesan

... Respondents/Petitioners

2.M.Jothi

... Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, to set aside the judgment and decree, dated 21.04.2010 and made in M.C.O.P.No.2082 of 2002, on the file of the Motor Accident Claims Tribunal/Additional Sub Court-IV, Madurai.

For Appellant	: Mr.R.Srinivasan
For R2	: Mr.A.B.Prabhakar
For R1	: No appearance

C.M.A(MD)No.1685 of 2010

United India Insurance Company Limited,
Represented by its Manager,
Seethalakshmi Complex,
Tirunagar, Madurai.

... Appellant/2nd Respondent

vs.

1.Ganirajan @ Ganiarasan

... Respondent/Petitioner

2.M.Jothi

... Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, to set aside the judgment and decree dated 21.04.2010 made in M.C.O.P.No.2068 of 2002 on the file of the Motor Accident Claims Tribunal/Additional Sub Court-IV, Madurai.

For Appellant	: Mr.R.Srinivasan
For R2	: Mr.A.B.Prabhakar
For R1	: No appearance



C O M M O N J U D G M E N T

These appeals arise out of the order passed in M.C.O.P.Nos.2082 & 2068 of 2002, on 21.04.2010 by the Motor Accident Claims Tribunal/Additional Sub Court-IV, Madurai. In both cases, the Tribunal has awarded a sum of Rs.10,000/- each. Challenging the award, these appeals have been filed.

2. The first respondent in both appeals are the injured claimants. It is their case that on 25.04.2002 they travelled in a Mini Van bearing Registration No.TN-55-F-3366 as a load man. It is also seen that the van was used for carrying harvesting machine. The contention of the appellant before the Tribunal was that the injured claimants were owners of the harvesting machines, but, no addition premium was paid to cover their liability.

3. A perusal of the judgment, impugned in these appeals, shows that the claimants have proved that they are the loadman and they travelled in the mini van at the time of accident. The award appears to be a reasonable one and hence, no interference is required in these appeals. Therefore, both the appeals are dismissed.

4. The appellant/Insurance Company is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the claimants are permitted to withdraw the award amount by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

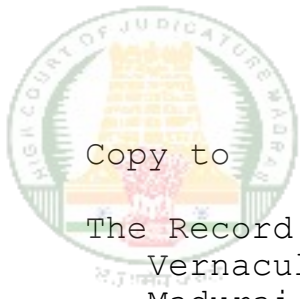
Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Motor Accident Claims Tribunal
Additional Sub Court-IV, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to

The Record Keeper, (2C)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.M.A (MD) Nos.1684 & 1685 of 2010
09.02.2021

SVN (CO)
KB (26.02.2021) 3P 4C