



C.M.A.(MD) No.959 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.959 of 2010

WEB COPY

Govindaraj

... Appellant/Petitioner

-vs-

1.K.Ramakrishnan

2.P.Saaratham

3.The Manager

National Insurance Co.

Pudukkottai

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree, dated 04.02.2000 in M.C.O.P.No.202 of 1998, on the file of the Motor Accident Claims Tribunal (Sub Court), Kumbakonam.

For Appellant : Mr.S.Sivathilakar

For Respondents : No appearance for R1

R2 - Dismissed

vide Court Order dated 26.06.2019

Mr.S.Srinivasa Raghavan for R3

J U D G M E N T

Heard Mr.S.Sivathilakar, learned counsel appearing for the appellant and Mr.S.Srinivasa Raghavan, learned counsel appearing for the third respondent - Insurance Company and perused the materials available on record.

2. This is a case of injury. The appellant sought compensation of Rs.5,00,000/- for the injuries sustained by him in an accident occurred on 24.02.1997. The Tribunal, having found that the offending vehicle was not insured on the date of the accident, exonerated the third respondent - Insurance Company from paying the award amount and passed the Award as against the owner of the vehicle for a sum of Rs.54,500/-. Seeking enhancement of the compensation, the injured claimant has come up with this appeal.



3. It is seen that as against the owner of the offending vehicle / second respondent, the appeal came to be dismissed on 26.06.2019. Admittedly, on the date of the accident, the offending vehicle was not insured with the third respondent - Insurance Company. Hence, the findings of the Tribunal with regard to exonerating the Insurance Company from paying the award amount and making the second respondent liable to pay the award amount, do not warrant any interference of this Court. The appellant, who seeks compensation from the owner of the offending vehicle, failed to take steps to serve notice on him. Therefore, this civil miscellaneous appeal is dismissed for default. No costs.

Sd/-

Assistant Registrar(CS-I)

// 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 Judgment may be utilized for official purposes, but, ensuring that the copy of the Judgment that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

krk

To:

1.The Motor Accident Claims Tribunal,
Subordinate Court,
Kumbakonam.

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-3377[F] dated 04/02/2021)

C.M.A. (MD) No.959 of 2010

03.02.2021

SSS(CO)

TR(12.02.2021) 2P 5C