



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.M.A. No.3690 of 2021
and C.M.P.No.21679 of 2021

The Divisional Manager,
National Insurance Company Ltd.,
Jawaharlal Nehru Street,
Puducherry-1

...2nd Respondent/Appellant

Vs

1.Rajeswari
2.N.Venugopal
3.Samuel V.Rajesh

...Petitioner/1st Respondent
...1st Respondent/2nd Respondent
... 3rd Respondent/ 3rd Respondent

4.Kandan @ Anthony

... 4th Respondent/4th Respondent

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 30-03-2021 and made in M.C.O.P.No.39/2018 on the file of the Motor Accident Claims Tribunal, Tindivanam, Tindivanam Principal Sub Court M.C.O.P.No.370/2014.

For Petitioner : Mr.S.Vadivel

For Respondents : No appearance [R1, 2 & R4]
Not ready in notice [R3]

JUDGEMENT

The 2nd respondent Insurance Company is before this Court challenging the award passed by the Motor Accident Claims Tribunal, Civil Judge (Senior Division), Tindivanam. The appellant has only questioned the quantum on the ground that the 4th respondent who is the rider of the motor cycle which is also involved in the accident did not possess a valid driving license and had paid a fine for the same and therefore the liability is contributory and the 4th respondent should also be made liable. Apart from this there is no other serious contest to the award.



2. A perusal of the order of the Tribunal with reference to the issue of negligence would indicate that the appellant and the 1st respondent, their insurer has not let in any evidence to disprove the statement of P.W.1 that the accident was the result of the negligence on the part of the 2nd respondent. Further the manner in which the accident has been described would clearly indicate that the same had been caused only on account of a sudden brake having been applied by the driver of the 2nd respondent's vehicle and therefore the finding of the Tribunal mulcting negligence on the 2nd respondent has not been rebutted by the appellant.

3. In these circumstances, I find no reason to interfere with the well-considered award passed by the Tribunal below. Consequently the Civil Miscellaneous Appeal is dismissed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1.The Motor Accident Claims Tribunal,
Tindivanam, Tindivanam Principal Sub Court.

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

+1cc to Mr.S.Vadivel, Advocate SR.No.12211

+1cc to Mr.V.Regunathan, Advocate SR.No.12641

C.M.A. No.3690 of 2021
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RSV(CO)
CB(29/03/2022)