



C.M.A.No.3497 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.3497 of 2014

And

M.P.No.1 of 2014

United India Insurance Co.Ltd.,
Divisional Office No.2,
104-A, Peramanur Main Road,
Salem-7.

... Appellant

vs.

1.Vediyammal

2.Sankara Subramanian

3.Vaithiyalingam

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award and decree dated 11.03.2014 made in M.C.O.P.No.685 of 2006 on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Salem.

For Appellant : Mr.S.Arunkumar
For Respondents : R1 & R2 – Served – No Appearance

JUDGMENT

The Insurance Company has challenged the award passed by the



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Motor Accident Claims Tribunal, I Additional District Judge, Salem in

M.C.O.P.No.685 of 2006

2. On the date of the accident, the vehicle involved in the accident did not have any insurance cover. The accident occurred on 09.03.2006, whereas, the policy was taken only on 24.03.2006. Despite bringing the above fact to the notice of the Tribunal, the Tribunal has fastened the liability only upon the insurance company, ignoring the evidence of RW2 on the ground that the insurance company has not proved that there was no insurance.

3. There is no serious contest to the above statement. Therefore, this appeal has to be necessarily allowed and the insurance company exonerated from its liability.

4. In the result, this Civil Miscellaneous Appeal is allowed and the award and decree dated 11.03.2014 made in M.C.O.P.No.685 of 2006 on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Salem, is set aside and the insurance company is exonerated from the



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liability and the claimant shall recover the compensation awarded by the Tribunal from the 1st respondent/owner of the vehicle bearing Reg.No.TN-09-H-4128. No costs. Consequently connected miscellaneous petition is closed.

19.10.2022

Index : Yes/No
Speaking / Non-speaking order
ssn

To:

1. The Motor Accident Claims Tribunal,
I Additional District Judge,
Salem.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

ssn

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