



C.M.A.No.2500 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2500 of 2022

Saritha

.. Appellant

-Vs.-

1. R.Bharathraj

2.M.Vennila

3.M/s.The National Insurance Company Ltd.,

Having its office at :

I Floor, Selvanayagi Complex

Opp. to Petrol Bunk

73, Perundurai Road

Teachers Colony

Erode District.

.. Respondents

(1st and 2nd respondents remained exparte before the Tribunal.

Hence notice may be dispensed with the respondents 1 & 2)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation amount awarded in the order dated 23.01.2021 made in M.C.O.P.No.144 of 2018 on the file of the Motor Accident Claims Tribunal / Sub Court, Perundurai, and



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consequently order the third respondent / Insurance Company to pay and recover award compensation by allowing this Civil Miscellaneous Appeal.

For Appellant ... Mr.M.Guruprasad

JUDGMENT

The petitioner before the Motor Accident Claims Tribunal, Perundurai in M.C.O.P.No.144 of 2018 is the appellant before this Court, challenging the Award passed by the Tribunal exonerating the third respondent-Insurance Company.

2. The brief facts that are required for consideration of this Court are as follows:-

The appellant had filed the above claim petition seeking compensation for the injury sustained by her in a road accident on 01.10.2017 at about 10.10.p.m. It is her case that when her son was riding his Scooty Pep bearing registration No.52 U 3241 along with one Bharatraj travelling pillion on the Thangamapuripattanam to Salem Camp Road, a vehicle belonging to



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the second respondent driven by the first respondent in a rash and negligent manner hit the vehicle in which the deceased was travelling. As a result of the impact, the deceased has fallen down and sustained grievous injuries, multiple bone fracture and head injury which resulted in his death. The claimant had sought compensation of a sum of Rs.20,00,000/-.

3. The third respondent-Insurance Company which had alone contested the claim had filed a counter denying their liability in as much as the insurance for the vehicle was an Act only policy. The policy did not cover third parties. Admittedly, the vehicle did not belong to the deceased, but belonged to the first respondent.

4. The Tribunal therefore exonerated the insurance Company and directed the respondents 1 and 2 to jointly and severally compensate the petitioner to the tune of Rs.13,73,090/-. Challenging the same, the petitioner is before this Court.



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5. Heard the learned counsel for the appellant and perused the materials available on record.

6. Admittedly, the policy is an Act only policy, which does not cover the risk of third parties. The deceased was a third party and therefore, the Tribunal has rightly exonerated the Insurance Company. That apart, the Tribunal has considered the various judicial pronouncements to arrive at its conclusion. I see no reason to defer from the well considered Award of the Tribunal below. Accordingly, the civil miscellaneous appeal is dismissed. No costs.

18.11.2022

srn

To

1. The Sub Judge, Motor Accident Claims Tribunal, Perundurai.
2. The Section Officer, V.R. Section, High Court, Madras.



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P.T.ASHA, J.,

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