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C.M.A.No.2749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2749 of 2022

and

C.M.P.No.21498 of 2022

Regional Manager,
The New India Assurance Co. Ltd.,
Regional Officer, Obli Towers, near Savitha Hall,
R.S.Puram, Coimbatore 641 002.

... Appellant

Vs.

1.S.Muniyammal,
W/o.Sadaiyandi,
No.9/328, Kottaikadu, Thottam,
Karaipudur Road,
Arulpuram, Palladam T.K., Tiruppur.

2.A.Manivannan,
S/o.V.Arumugam,
3/763, Veerapandi Section,
Veerapandi,
Tiruppur - 641 387.

... Respondents

Prayer : Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Decree and Judgment dated 19.04.2022 passed in M.C.O.P.No.533 of 2016, by the Motor Accident Claims Tribunal, Special District Court (MACT),



For Appellant : Mr.K.Varadhakamaraj

J U D G M E N T

The Appeal has been filed against the Decree and Judgment dated 19.04.2022 passed in M.C.O.P.No.533 of 2016, by the Motor Accident Claims Tribunal, Special District Court (MACT), Tiruppur.

2.The Insurance Company is the Appellant herein, challenging the award passed in MCOP.No.533 of 2016 dated 19.04.2022 on the ground of liability. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.In the award, the Tribunal categorically found that the accident was taken place due to the rash and negligent driving of the driver of the 1st Respondent/insured vehicle. Based upon Ex.C1, the quantum of compensation has been fixed. Though the trial Court considered the fact that the rider of the



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first Respondent's vehicle does have valid driving license, relying upon the decisions of the Hon'ble Supreme Court has ordered for pay and recovery. Hence, all the findings rendered by the Tribunal regarding factum of the accident, manner of the accident, rash and negligent driving on the part of the driver and quantum of compensation fixed by the Tribunal cannot be stated to be unsustainable in law and hence, I find that the award passed by the Tribunal does not warrant any interference of this Court.

4. Accordingly, the Appeal is dismissed at the stage of admission itself.

No costs. Consequently, connected Miscellaneous Petition is closed.

14.12.2022

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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To

The Presiding Officer,
Motor Accident Claims Tribunal,
Special District Court (MACT),
Tiruppur.



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RMT.TEEKAA RAMAN.J,

sai

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and
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Dated:14.12.2022