



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.M.A.No.2143 of 2017

M/s.Royal Sundaram Alliance Insurance Company Limited,
Sundaram Towers,
No.46, Whites Road,
Royapettah, Chennai-600 014.

..Appellant / 2nd Respondent

vs

1. G.Mani

..1st Respondent / Petitioner

2. Sudip Banerjee

..2nd Respondent / 1st Respondent

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree in MCOP No.675 of 2008, dated 30.01.2014, on the file of the Motor Accidents Claims Tribunal, II Additional District Court, Tiruvallur at Poonamallee.

For Appellant .. M/s.M.B.Gopalan Associates

For Respondents .. M/s.R.Magendran for R1

ORDER

This Civil Miscellaneous Appeal has been preferred questioning the award granted in MCOP No.675 of 2008 by the Motor Accident Claims Tribunal/II Additional District Court, Trivallur at Poonamallee.

2.The appellant was the second respondent in the said MCOP. The appellant questioned the award in the above appeal on the ground that the cheque issued towards payment of premium by the second respondent/owner of the vehicle had been dishonoured for want of sufficient funds, but the Tribunal while overruling the objections raised by the appellant/second respondent before the Tribunal that there has thus been breach of policy condition, had directed the appellant to pay the compensation and recover the same from the second respondent/owner of



vehicle. On that basis, the appellant was directed to pay the compensation of Rs.65,000/- to the first respondent/petitioner and to later recover the same with costs without filing a separate suit from the second respondent/owner of vehicle.

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3.The contention of Mr.M.B.Raghavan, learned counsel is that notice should have been issued to the Road Transport Officer and since it was not issued, it would amount to cancellation of policy due to non-receipt of premium and the Tribunal was not legally correct in ordering pay and recovery.

4.However, let this issue be agitated in another appropriate case, and let me not interfere with the award passed by the Tribunal, also particularly because the quantum of compensation granted was Rs.65,000/- which is claimed to be just and proper. Let the appellant therefore seek to recover that amount with interest and costs from the second respondent in accordance with established procedure.

5.The Civil Miscellaneous Appeal is dismissed. The amount awarded by the Tribunal has already been deposited and the claimant is permitted to withdraw the same. The appellant is at liberty to recover the amount together with interest and costs. from the second respondent. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1. The II Additional District Court
Motor Accidents Claims Tribunal,
Tiruvallur at Poonamallee.

2. The Section Officer,
VR Section, High Court of Madras.

+1cc to M/s.R.Magendran, Advocate, S.R.No.10452

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PMK[co]
NSK 17/05/2022