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C.M.A.No.1995 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 09.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.1995 of 2022

and

C.M.P.No.15184 of 2022

The Manger,
United India Insurance Company Limited,
No.73-C, M.T.H.Road,
I floor, Ambattur,
Chennai.

... 2nd Respondent/Appellant

Vs.

1.D.Saraswathi
2.Dhasarathan

... Petitioners/Respondents

3.N.Suriyaprakash

...1st Respondent/Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 08.03.2011 in M.C.O.P.No.266 of 2008 on the file of the learned Principal District Judge, Motor Accidents Claims Tribunal, Tiruvallur.



C.M.A.No.1995 of 2022

For Appellant : Ms.R.Sree Vidhya
For Respondents : Mr.K.R.Ponnusamy
for M/s.Anand and Surya
for R1 and R2

JUDGMENT

The Insurance Company has preferred the above appeal on the ground that the driving licence of the 1st respondent who was the driver of the offending vehicle expired on the date of the accident, has not been renewed.

2.Heard the learned counsels appearing on either side and perused the papers.

3.A perusal of the Judgment of the Tribunal would show that notice is sent by the Insurance Company enclosing a xerox copy of the driving licence. There is no reply to the same. Further, the current licence has also not been produced before the Police/Motor Vehicle



C.M.A.No.1995 of 2022

Authorities. If really, there is no driving licence then the copy of one cannot be sent and it is not a case of no driving licence but only a case of driving licence having expired. On this ground, the Insurance Company cannot deprive the claimant who suffered injuries from obtaining compensation. The Act mandates that no person shall drive the vehicle in a public road except with a valid and subsisting licence. Therefore, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

4. Consequent to the dismissal of the appeal, the appellant Insurance Company is directed to deposit the entire award amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit M.C.O.P.No.266 of 2008 on the file of the learned Principal District Judge, Motor Accidents Claims Tribunal, Tiruvallur, within a period of six weeks from the date of receipt of a copy of this order, if not deposited earlier. On such deposit, the claimants are permitted to withdraw the entire award amount with



C.M.A.No.1995 of 2022

proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants.

09.09.2022

Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
mps

To

The Principal District Judge,
Motor Accidents Claims Tribunal,
Tiruvallur.



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C.M.A.No.1995 of 2022

P.T. ASHA, J,

mps

C.M.A.No.1995 of 2022
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C.M.P.No.15184 of 2022

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