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C.M.A.No.2757 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2757 of 2022

and

C.M.P.No.21551 of 2022

M/s.The United India Insurance Company Limited,
Regional office
opposite to Park Gate
Dr.Nanjappa Road,
Coimbatore - 18.

... Appellant

vs.

1. N.Panneerselvam
2.P.Suriya
3.J.Pugazhendran
(2nd and 3rd respondents are
set ex-parte in lower Court)

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 03.10.2013 in M.C.O.P.No.421 of 2012 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge) at Coimbatore.

For Appellant	: M/s.R.Sree Vidhya
For R1	: Mr.Ma.P.Thangavel



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JUDGMENT

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Mr.Ma.Pa.Thangavel, learned counsel takes notice for the 1st respondent/caveator.

2. The first respondent alone is the contesting injured person and he filed MCOP No.421 of 2012 before the Claims Tribunal (Special Subordinate Judge), Coimbatore seeking compensation for the injuries sustained by him in the accident took place on 22.02.2011.

3. In the said application, the appellant/insurance company has filed a counter stating that on the date of the accident, two wheeler that met with the accident was driven by a person aged below 18 years, ie., a minor with no driving license. However, the policy of insurance is covering the third party.

4. The Tribunal, on considering the documentary evidence, viz., Ex.P3-Wound certificate, Ex.P7-discharge summary and Ex.P8, disability certificate and MO1 - X-ray, coupled with the oral evidence of PW2-Doctor held that owner of the vehicle and the insurance company are liable to pay



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compensation jointly and severally and the 3rd respondent/Insurance

Company has to pay the entire compensation amount to the petitioner. On the point of quantum of compensation, the Tribunal awarded Rs.93,000/- along with interest at the rate of 7.5% per annum from the petition till the date of realization, along with proportionate costs.

5. Aggrieved by the said finding of the Tribunal, the insurance company has filed this appeal.

6. Heard both the parties and perused the records.

7. On perusal for Ex.P2, Charge sheet as well as Ex.P5-MVI Report, I find that though the minor who drove the two wheeler had no driving license, following the decisions and prepositions of law, the insurance company is directed to pay the amount and recover the same from the owner of the vehicle.



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8. Accordingly, this Civil Miscellaneous Appeal is partly-allowed.

The compensation fixed by the trial court is kept in tact. The judgment and decree dated 03.10.2013 made in MCOP No.421 of 2012 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge) at Coimbatore is modified only to the above extent. No costs.

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Index : Yes / No
Speaking Order : Yes / No
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To

1. The Motor Accident Claims Tribunal
(Special Subordinate Judge) at Coimbatore.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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RMT.TEEKAA RAMAN, J.,

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