



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)Nos.2240 to 2242 of 2015
and
M.P(MD)Nos.1,1 and 1 of 2015

C.R.P(MD)No.2240 of 2015:

M/s.United India Insurance Co.Ltd,
Divisional Office,
Promenadet Road,
Cantonment
Trichy District.

... Petitioner/ 2nd Respondent

Vs.

1.G.Nathiya

... Respondent/Claimant

2.Gopalakrishnan

... Respondent/1st Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order, dated, 28.03.2014 made in M.C.O.P.No.1048 of 2009 on the file of the Motor Accident Claims Tribunal (III Additional Sub Court) Trichy.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.N.Sudhagar Nagaraj
for R1
No appearance
for R2

C.R.P(MD)No.2241 of 2015:

M/s.United India Insurance Co.Ltd,
Divisional Office,
Promenadet Road,
Cantonment
Trichy District.

... Petitioner/ 2nd Respondent

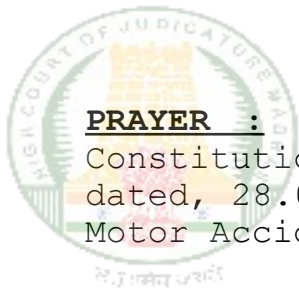
Vs.

1.S.Pokkali

... Respondent/Claimant

2.Gopalakrishnan

... Respondent/1st Respondent



PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order, dated, 28.03.2014 made in M.C.O.P.No.1022 of 2009 on the file of the Motor Accident Claims Tribunal (III Additional Sub Court) Trichy.

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For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : Mr.N.Sudhagar Nagaraj
for R1
No appearance
for R2

C.R.P (MD) No. 2242 of 2015:

M/s.United India Insurance Co.Ltd,
Divisional Office,
Promenadet Road,
Cantonment
Trichy District.

... Petitioner/ 2nd Respondent

Vs.

1.M.Revathi

... Respondent/Claimant

2.Gopalakrishnan

... Respondent/1st Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order, dated, 28.03.2014 made in M.C.O.P.No.1025 of 2009 on the file of the Motor Accident Claims Tribunal (III Additional Sub Court) Trichy.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.N.Sudhagar Nagaraj
for R1
No appearance
for R2

ORDER

The present petitions have been filed against an award of the Motor Accident Claims Tribunal in M.C.O.P.Nos.1022,1025 and 1048 of 2009. The claimants were travelling in a tourist bus, which met with an accident and capsized due to the rash and negligent driving of the driver of the bus, in which, the claimants were travelling. The award in M.C.O.P.Nos.1022,1025 and 1048 of 2009 was less than Rs.25,000/- (Rupees Twenty Five Thousand only) and hence, the present petitions have been filed in C.R.P (MD) Nos.2240 to 2242 of 2015.

2. According to the learned counsel for the petitioner, there is a violation of permit condition and hence, the Insurance Company is not liable to pay the compensation amount. According to the petitioner, the second respondent owner was given permit to ply the



bus in a specific road and without obtaining any permission, it was running in a different road in violation of the permit conditions.

3. The Motor Claims Original Petitions, in which, the award amount was more than Rs.25,000/- (Rupees Twenty Thousand only) were challenged by way of Civil Miscellaneous Appeals. In one of the appeals, in C.M.A(MD)NO.1162 of 2015, this Court has passed an order, confirming the fact that there was a violation of policy conditions and hence, the Insurance Company is not liable to pay the compensation amount. On arriving at a said finding, the learned single Judge of this Court has directed the Insurance Company to pay the compensation amount at the first instance and recover the same from the owner of the vehicle, namely, the second respondent herein.

4. The present petitions arising out of the same accident and a common judgment. Hence, following the judgment of this Court in C.M.A(MD)No.1162 of 2015, these Civil Revision Petitions are allowed. The award amount of the Motor Accident Claims Tribunal is modified to the effect that the petitioner Insurance Company is directed to deposit the entire award amount before the Tribunal together with interest at the rate of 7.5% p.a. from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited. On such deposit, the claimant is permitted to withdraw the entire award amount without filing any formal petition before the Tribunal. Thereafter, the petitioner Insurance Company is at liberty to recover the award amount from the owner of the vehicle, by following the mode in **Nanjappan's Case [(2004) 2 CTC 464]**. No costs.

5. All the Civil Revision Petitions are partly allowed to the extent as stated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1. The Judge,
Motor Accident Claims Tribunal
(III Additional Sub Court) Trichy.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.B. RAJESH SARAIVANAN, Advocate (SR-16491[F] dated
05/04/2022)

C.R.P (MD) Nos. 2240 to 2242 of 2015
01.04.2022

RD(19.04.2022) 4P 5C