



C.R.P.No.2058 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2058 of 2015
and M.P.No. 1 of 2015

M/s. National Insurance Co. Ltd.,
Branch Office – 1, P.B.No.15/1,
Govindasampillai Street,
Near Old Bus Stand, Salem – 636 001.

.. Petitioner

VS

1.Selvarani
2.E.Sakthivel

.. Respondents

Petition filed under Article 227 of the Constitution of India
against the award and decree dated 05.04.2006 in MCOP No. 1477
of 2003 on the file of Motor Accidents Claims Tribunal, Principal
District Judge, Salem.

For Petitioner : Mr.S.Arunkumar

For Respondent : No appearance

ORDER

This Court in a connected C.M.A No. 2178 of 2018 etc batch
dated 07.08.2019, allowed the appeals holding that the insurance
company is not liable. The operative portion thereof is extracted



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below:-

"11. In the case on hand, it is very clear that there was violation of policy conditions and the injured have traveled as unauthorized passengers. But the Tribunal has ordered for pay and recovery, which, according to this Court is not correct, in view of law laid down by the Division Bench of this Court in the case of Bharati AXA General Insurance Co. Ltd v Anandi, reported in 2018 (2) TN MAC 731 (DB) (cited supra). Hence, this Court holds that the appellant – Insurance Company is not liable to pay any compensation to the claimants."

2. Following the said judgment, this civil revision petition is allowed. No costs. Connected miscellaneous petition is closed.

3. The decree is set aside insofar as the petitioner alone is concerned. The owner of the offending vehicle continues to be responsible for the payment of compensation.

17.07.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

The Motor Accidents Claims Tribunal /
Principal District Judge,
Salem.



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V. LAKSHMINARAYANAN,J.

ssm

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