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C.M.A.No.1820 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.M.A.No. 1820 of 2018

and

C.M.P.No.14054 of 2018

The Oriental Insurance Company Limited,
Pondicherry.

... Appellant

Vs.

1.Suriyamurthy
2.Ramamoorthy

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the decree and judgment dated 6th day of January, 2018 made in M.C.O.P.No.444 of 2015 on the file of the Motor Accident Claims Tribunal (I Additional Sub Court) Villupuram.

For Appellant : Mr.K.Vinod
for Mr.Elveera Ravindran

For Respondents : Mr.R.Babu
for R1



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No appearance for R2

J U D G M E N T

Challenging the Award and decree dated 06.1.2018 passed in M.C.O.P.No.444 of 2015 on the file of the Motor Accident Claims Tribunal (I Additional Sub Court) Villupuram, the Oriental Insurance Company Limited, has filed the above Civil Miscellaneous Appeal.

2. The learned counsel for the appellant/Insurance Company submitted that the first respondent herein filed the claim petition in M.C.O.P.No.444 of 2015 on the file of the Motor Accident Claims Tribunal (I Additional Sub Court) Villupuram, claiming compensation of Rs.5,00,000/- for the injuries sustained by him in a motor accident, which took place on 23.11.2013, due to rash and negligent driving of the second respondent herein, who is driver of the offending vehicle viz., Splender Plus two wheeler bearing Registration No.TN20-V-6575. The Tribunal after appreciation of entire materials and the submissions, came to the conclusion that the accident had happened only due to rash and negligent driving of the



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second respondent herein, who is liable to pay compensation to the claimant and that the claimant is not entitled to get compensation from the appellant/Insurance Company and awarded compensation of Rs.35,000/- together with interest at the rate of 7.5.% per annum and costs. However, in the operative portion of the judgment, it has been stated that the appellant herein/second respondent before the Tribunal is liable to deposit the award amount. Hence, the appellant/Insurance Company has come forward with the present appeal.

3. On a perusal of the records, it is seen that the Tribunal has fixed the liability against the second respondent herein, who is the driver of the offending vehicle as he is liable for the accident. However, in the operative portion of the judgment, it has been wrongly mentioned as the appellant herein/second respondent before Tribunal is directed to deposit the award amount. However, in the operative portion of the judgment, instead of second respondent herein, it has been mentioned as appellant herein/second respondent before the Tribunal is directed to deposit the award amount. Hence, this Court is of the view that if it is a typographical



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error, the appellant should have brought to the notice of the Tribunal or file a review petition to rectify the error. Without filing the same, the appellant is before this Court by way of appeal.

4. In view of above facts and circumstances, this Civil Miscellaneous Appeal is dismissed. However, liberty is granted to the appellant/Insurance Company to file a Review Petition before the Tribunal. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.09.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1.The Motor Accident Claims Tribunal,
(I Additional Sub Court),
Villupuram.

2.The Section Officer,
V.R.Section,
High Court, Madras.



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P.VELMURUGAN, J.

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