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C.M.A.No.1657 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.1657 of 2017

and

C.M.P.No.8835 of 2017

United India Insurance Co. Ltd.,  
Silingi Building,  
New No.134, Old No.40-42,  
Greams Road, Chennai 600 006.

...Appellants

Vs

1.S.Bharathi Kannan  
2.B.Benjamin

... Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decree dated 22.12.2016 made in M.C.O.P.No.16 of 2011 on the file of the Motor Accident Claims Tribunal (Special Sub Court No-2), Chennai.

For Appellant : Mr.D.Bhaskaran

For Respondents : Ms.Ramya V.Rao for R1  
R2 – Notice not ready



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## **JUDGMENT**

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This Civil Miscellaneous Appeal is filed to set aside the award and decree dated 22.12.2016 made in M.C.O.P.No.16 of 2011 on the file of the Motor Accident Claims Tribunal (Special Sub Court No-2), Chennai.

2. When the matter is taken up for hearing, the learned counsel for the insurance company would submit that this appeal has been filed challenging the negligence and liabilities fixed by the Tribunal. Further, he would fairly submit that since the claim petition was filed under Section 163A of the Motor Vehicles Act, 1988 (hereinafter called as “the Act”), the question of determination of liabilities will not arise and hence, the present appeal may be dismissed and the award may be confirmed by this Court.

3. The learned counsel appearing for the respondent would also accept the above submission that the negligence and liabilities cannot be questioned in a claim filed under Section 163A of the Act and hence, prays for the dismissal of the present appeal.

4. Heard the learned counsel for the appellant as well as the respondent



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and also perused the materials available on record.

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5. In view of the above, this Court is satisfied that the negligence and liabilities cannot be questioned in a claim filed under Section 163A of the Act and is inclined to dismiss the appeal and confirm the award passed by the tribunal.

6. Accordingly, this Civil Miscellaneous Appeal is dismissed and the award and decree dated 22.12.2016 passed by the Court below is hereby confirmed. Consequently, the connected miscellaneous petition is also closed.  
No costs.

**11.07.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking order/Non-speaking order  
nsa

To:  
The Special Sub-Court,  
Court of Small Causes, Chennai.



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**KRISHNAN RAMASAMY,J.**

nsa

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