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C.M.A.Nos.810 of 2017 and 1116 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.Nos.810 of 2017 and 1116 of 2020

And

C.M.P.Nos.4169 of 2017 and 7013 of 2020

1.Rajeswari Ammal (Died)

[Appellant – 1 Died. Appellant -2
who is already on record as L.R. of
the deceased viz. Rajeswari Ammal
vide Court order dated 16/10/2023 made in
CMA Nos.810/2017 & 1116/2020
by MDIJ (Recorded)]

2.Rajagopal ... Appellants in C.M.A.810/2017

1.P.C.P.Rajeswari (Died)

2.Rajagopal

[Appellant – 2 recorded as L.R. of the
deceased viz. P.C.P.Rajeswari vide
Court order dated 16/10/2023 made in
CMA Nos.810/2017 & 1116/2020
by MDIJ] ... Appellants in C.M.A.1116/2020

Vs.

1.G.Raguraman

2.The New India Assurance Company Limited
Office Situated at
Gandhi Road,
Kancheepuram.



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Panchaksharam (Died)

- 3.Manigandan
- 4.Panneerselvam
- 5.Thulasimani Selvam
- 6.Srinivasan
- 7.Paranthaman

... Respondents in C.M.A.810/2017

- 1.S.Ambika
- 2.S.Saravanan
- 3.S.Naresh Kumar
- 4.S.Deepa

- 5.The Divisional Manager
The New India Assurance Company Limited,
Having Office at No.1, Officer's Line,
C S I Building,
Vellore.

- 6.P.C.P.Paneerselvam
- 7.P.C.P.Thulasimaniselvam
- 8.P.C.P.Srinivasan
- 9.P.C.P.Rajaraman
- 10.P.C.P.Bharanidharan

... Respondents in C.M.A.1116/2020

Prayer in C.M.A.No.810 of 2017:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.11.2016 made in MACT O.P.No.47 of 2012 on the file of the Motor Accidents Claims Tribunal/ II Additional District and Sessions Judge, Vellore @ Ranipet.



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Prayer in C.M.A.No.1116 of 2020:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 06.03.2017 passed in M.C.O.P.No.64 of 2010 on the file of the Motor Accident Claims Tribunal, Vellore District (I Additional District and Sessions Court), Vellore.

For Appellants : Mr.K.Suryanarayanan
in both the C.M.As.

For Respondents : R1 – No Appearance
Mr.J.Chandran for R2
R3 to R7 – Given Up
in C.M.A.No.810 of 2017

Mr.C.Prabakaran for R1
R2 to R10 – NRN
in C.M.A.No.1116 of 2020

COMMON JUDGMENT

C.M.A.No.810 of 2017 has been filed against the judgment and decree dated 24.11.2016 made in MACT O.P.No.47 of 2012 on the file of the Motor Accidents Claims Tribunal/ II Additional District and Sessions Judge, Vellore @ Ranipet.

2.C.M.A.No.1116 of 2020 has been filed against the judgment and decree dated 06.03.2017 passed in M.C.O.P.No.64 of 2010 on the



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file of the Motor Accident Claims Tribunal, Vellore District (I Additional District and Sessions Court), Vellore.

3.The learned counsel appearing for the appellants submitted that the appeals are preferred by the owner of the vehicle aggrieved by the aforesaid judgment and decree since the Tribunal had directed the Insurance Company to deposit the compensation amount and to recover the same from the owner of the vehicle. Though the appellants have valid grounds before this Court in terms of Sections 3, 14, 15 and 149 of the Motor Vehicles Act as against the Insurance Company with regard to pay and recovery, this Court, without going into the merits of the case, may grant liberty to the appellant to work out the remedy as against the Insurance Company, if the Insurance Company make claim as against the appellant/ owner of the vehicle for recovery of the compensation amount.

4.The learned counsel appearing for the appellants further submitted that first appellant in C.M.A.No.810 of 2017/ appellant in C.M.A.No.1116 of 2020, viz., Rajeswari Ammal/ P.C.P.Rajeswari died and the second appellant in C.M.A.No.810 of 2017, viz., Rajagopal is



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the son of Rajeswari Ammal/ P.C.P.Rajeswari and he is representing the estate of Rajeswari Ammal/ P.C.P.Rajeswari and hence, this Court may record the same and pass appropriate orders.

5.The submission of the learned counsel appearing for the appellants is recorded. Registry is directed to carry out the necessary amendment in C.M.A.Nos.810 of 2017 and 1116 of 2020.

6.Further, considering the submission made by the learned counsel appearing for the appellants, this Court without going into the merits of the case and without interfering with the judgment and decree impugned in these appeals, grant liberty to the appellant to work out the remedy in the manner known to law, as against the Insurance Company, if the Insurance Company make claim as against the appellant/ owner of the vehicle for recovery of the compensation amount.

7.The civil miscellaneous appeals are disposed of. The judgment and decree dated 24.11.2016 made in MACT O.P.No.47 of 2012 on the file of the Motor Accidents Claims Tribunal/ II Additional District and Sessions Judge, Vellore @ Ranipet and the judgment and



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decree dated 06.03.2017 passed in M.C.O.P.No.64 of 2010 on the file of the Motor Accident Claims Tribunal, Vellore District (I Additional District and Sessions Court), Vellore, stand un-altered. No costs. Consequently, the connected miscellaneous petitions are closed.

16.10.2023

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Note: Registry is directed to carry out the necessary amendment in C.M.A.Nos.810 of 2017 and 1116 of 2020.

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Motor Accident Claims Tribunal
II Additional District and Sessions Judge,
Vellore @ Ranipet.
- 2.The Motor Accident Claims Tribunal,
Vellore District (I Additional District and Sessions Court),
Vellore.



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M.DHANDAPANI,J.
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and 1116 of 2020
And
C.M.P.Nos.4169 of 2017
and 7013 of 2020**

16.10.2023