



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Wednesday, the Seventh day of June,
Two Thousand and Twenty Three
PRESENT

The Hon'ble Mr. Justice R. VIJAYAKUMAR
CMA(MD). No.874 of 2009

WEB COPY

The Divisional Manager,
New India Assurance Company Ltd.,
Tuticorin.

.....Appellant/2nd Respondent

-vs-

1. Petchiammal
2. Aavudaiachi
3. Pooranathammal
4. Eswara Moorthy
5. Minor Vallinayagam
6. Minor Mariammal
7. Minor Krishnan
8. S.Pitchiah

.... Respondents 1 to 7 /Claimants

..... Respondent - 8 / 1st Respondent

**(Minor Respondents 5 to 7 represented by
their mother and natural guardian the
first Respondent)**

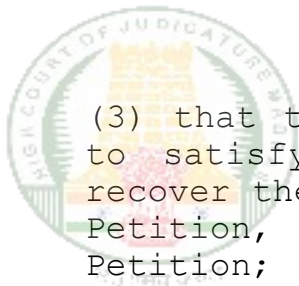
PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the judgment (Award) and decree, dated 14.03.2005 made in M.C.O.P.No.705 of 2004, on the file of the Motor Accidents Claims Tribunal (II Additional District Court) Tirunelveli.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.D.Senthil, Advocate for the Appellant and of Mr.S.Sivathilagar for Mr.C.Kishore, Advocate for Respondents 1 to 7 herein (the 8th Respondent herein not appearing either in person or through Advocate) the respondent, this Court while observing that there is a breach of the policy condition on the part of the insured person in allowing the driver to drive the vehicle without having an effective driving licence and that the Tribunal has mulcted the entire liability on the Insurance Company and allowing this Appeal, doth order and decree as follows:-

(1) that quantum of the Award dated dated 14.03.2005 made in M.C.O.P. No.705 of 2004 on the file of the Motor Accidents Claims Tribunal/II Additional District Court, Tirunelveli be and is hereby confirmed;

(2) that the findings relating to the liability on the Insurance Company be and is hereby set aside;



(3) that the Appellant/Insurance Company be and is hereby directed to satisfy the said Award and thereafter they are entitled to recover the said Award amount from the first Respondent in the Claim Petition, by filing execution proceedings in the same Claim Petition;

(4) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO
The II Additional District Judge,
Motor Accident Claims Tribunal
Tirunelveli.

COPY TO:

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.RAMARATNAM, Advocate (SR-26600[F] dated 07/06/2023)

+1 CC to M/s.C.KISHORE, Advocate (SR-27016[F] dated 08/06/2023)

dkS

ORDER DATED : 07/06/2023

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DECREE

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CMA(MD). No.874 of 2009

Nature of Decree:-

Allowing the the Civil Miscellaneous Appeal against the judgment and decree dated 14.03.2005 made in M.C.O.P. No.705 of 2004 on the file of the Motor Accidents Claims Tribunal/II Additional District Court, Tirunelveli and giving directions etc. as stated within.

MK/11.07.2023 2P 6C

<https://www.mhc.tn.gov.in/judis>