



C.M.A.(MD)No.925 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.925 of 2012

and

M.P.(MD)No.2 of 2012

National Insurance Company Limited,
Zerome Building, I Floor,
Fort Station Road,
Tiruchirappalli-2.

... Appellant

Vs.

1.R.Gayathri

2.Minor.R.Kavusik Pirabu,
(Minor R2 is represented by his
mother & natural guardian/
1st respondent)

3.P.Ramdoss

4.N.Ganesan

5.D.Saroja

6.P.Duraisamy

... Respondents



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PRAYER: Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, III Additional Sub Court, Tiruchirappalli in M.C.O.P.No.581 of 2008 dated 25.02.2011.

For Appellant : Mr.D.Siva Raman

For R-1 & R-5 : Mr.N.Sudhagar Nagaraj

ORDER

The present Civil Miscellaneous Appeal is filed, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, III Additional Sub Court, Tiruchirappalli in M.C.O.P.No.581 of 2008 dated 25.02.2011.

2.Heard the learned Counsel appearing for the appellant, the learned Counsel appearing for the respondents 1 and 5 and perused the materials available on record.

3. The learned Counsel appearing for the appellant has submitted that the driver of Ambulance did not have valid license to drive the



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vehicle, hence the appellant is not liable to pay compensation to the claimants. The driver was entitled to drive only non-commercial light motor vehicle.

4. This Court is of the considered opinion that the vehicle involved in the accident was an ambulance which is classified under LMV vehicle. Therefore, nothing survives for adjudication in this Civil Miscellaneous Appeal.

5. Hence, this Civil Miscellaneous Appeal is closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

13.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

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The Motor Accident Claims Tribunal,
III Additional Sub Court,
Tiruchirappalli.

Copy to

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



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L.VICTORIA GOWRI, J.,

Sml

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