



C.M.A.No.382 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

C.M.A.No.382 of 2022

and C.M.P.No.2662 of 2022

The Divisional Manager,
Reliance General Insurance Co. Ltd.,
Rais Towers, 2nd Floor, 2nd Avenue,
Plot No.2054, Next to GRT Jewellery,
Anna Nagar, Chennai – 600 040

...Appellant

vs.

1. Kalpana
2. Minor. Christina Jayakumar
3. Rajamani
4. Kasthuri
5. Balu
6. Siyamala
7. Minor.Sharani
8. Lakshmi

...Respondents



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PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and decree dated 06.12.2021 made in M.C.O.P.No.245 of 2016 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge (MCOP), Thiruvannamalai.

For Appellant : Ms.S.Arun Kumar

For Respondents : Mr.A.G.F.Terry Chellaraja

JUDGMENT

(Judgment of the Court was made by Mrs.R.Kalaimathi, J.)

Being not satisfied with the award dated 06.12.2021 made in M.C.O.P.No.245 of 2016 on the file of Motor Accident Claims Tribunal / Special Sub Court (MCOP), Thiruvannamalai, this Civil Miscellaneous Appeal has been preferred by the appellant / Insurance Company.

2. Claim petition was filed under Section 166 of Motor Vehicles Act, 1988 read with Rule 3 of Tamil Nadu Motor Accident Claims Tribunal Rules, 1989 claiming compensation of Rs.1,50,00,000/- for the death of one Kingston Jayakumar S/o Rajamani in a road traffic accident that occurred on 26.02.2015.



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3. Upon consideration of oral and documentary evidence, the Tribunal awarded compensation of Rs.67,34,800/- with interest at 7.5% per annum.

4. Heard Mr.S.Arun Kumar, learned counsel appearing for the appellant/Insurance Company and Mr.A.G.F.Terry Chellaraja, learned counsel appearing for the respondents/claimants.

5. Mr.S.Arun Kumar, learned counsel appearing for the appellant would vehemently argue that the owner-cum-driver of the Car drove the vehicle without driving licence, which was not considered by the Tribunal and the driver of mini lorry bearing Registration No.TN 57 U 6676 drove the vehicle without driving licence.

6. In this regard, staff of Namakkal North Transport Office Ms.Pushpa has examined as R.W.1. Through her, it has come on record that the driver of the said vehicles did possess driving licence, and they are Ex.R1 and Ex.R2 series along with other documents pertaining to the said vehicles. Therefore, the arguments of the learned counsel for the appellant does not hold water and not acceptable.



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WEB COPY 7. Based on the aforestated discussions, this Civil Miscellaneous Petition stands dismissed. In the result, the award passed by the Motor Accident Claims Tribunal, Vellore in M.C.O.P.No.245 of 2016 dated 16.12.2021 stands confirmed. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

(J.N.B.,J.) (R.K.M.,J.)

29.08.2024

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

To

1. The Motor Accident Claims Tribunal,
Thiruvannamalai

2. The Section Officer,
VR Section,
High Court, Madras.



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and

R.KALAIMATHI, J.

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