



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.No.2123 of 2024

and

C.M.P.No.16283 of 2024

M/s.Reliance General Insurance Co. Ltd.,
Rep. by its Manager,
Having Office at 1st Floor,
Gee Jay Arcade, 141/71,
Thiruvankadasamy Road, West,
R.S.Puram, Coimbatore.

... Appellant

Vs.

1.J.Maragadhavalli

2.R.Manikandan

3.P.Sreemani Devi

4.P.Chinnammal

5.Balaji @ Praveenkumar

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.08.2019 made in MCOP.No.1121 of 2011 on the file of the Motor Accidents Claims Tribunal, III Additional District and Sessions Judge, Coimbatore.

For Appellant : Mrs.C.Bhuvanasundari



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For Respondents : Mr.S.Arjun for R3

J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

This appeal is by the Insurance Company challenging the award made in MCOP.No.1121 of 2011 dated 30.08.2019.

2. The award was passed for payment of a sum of Rs.30,000/- for the injuries sustained by the claimant in the road accident that took place on 03.07.2011 at about 10.15 p.m.

3. The learned counsel for the Insurance Company would contend that the vehicle which was not licensed to be a stage carrier was used as stage carrier and it was driven by a different person who has no license. With a view to extract compensation from the Insurance Company and avoid liability, another driver was planted in the place of the driver who was actually driving the vehicle. She would also contend that the quantum is on the higher side.

4. We do not think we can allow the learned counsel for the Insurance



Company to re-agitate the issue regarding breach of policy condition, inasmuch as the award has been confirmed by the Division Bench of this Court in C.M.A.Nos.902 of 2020 & 677 & 680 of 2021, which are appeals by the Insurance Company against the very same award. Hence, the conclusion of the Tribunal on the liability are bound to be confirmed. Therefore, we do not think that we could go into that question once over again.

5. As regard quantum, in this case the amount awarded is very meagre and we find that the award is reasonable. We therefore see no ground for interference in this appeal.

6. Therefore, the appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)

31.07.2024

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Index : No

Internet : Yes

Neutral Citation : No

Speaking order

To

The Motor Accident Claims Tribunal,

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III Additional District and Sessions Judge,
Coimbatore.

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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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