



C.M.A.No.1642 of 2021

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 04.07.2024

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

C.M.A.No.1642 of 2021

1.Vasanth
2.Sangeetha
3.Muralikumar
4.Balamurugan
5.Thamaraiammal

.. Appellants

Vs

1.R.Sivakumar
2.United India Insurance Company Ltd.,
Omalur,
Salem District.

.. Respondents

Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 20.01.2020 passed in M.C.O.P.No.87 of 2016, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sankari.



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For Appellants : Mr.C.Kulanthaivel

For R2 : Mr.S.Arunkumar

JUDGMENT

This appeal has been filed by the claimants aggrieved by the dismissal of claim petition by the Tribunal in M.C.O.P.No.87 of 2016, dated 20.01.2020.

2. The appellants are the legal heirs of the deceased. The deceased was a pillion rider in a 2-wheeler insured with the second respondent Insurance Company. Due to the rash and negligent driving of the rider of the two-wheeler, the accident had happened. The subject insurance policy is a liability only policy and the same is also perused by this Court. The Insurance Policy was marked as Ex.P5 and Ex.R4 before the Tribunal. Being a liability only policy, it does not give insurance coverage for either the rider or the pillion rider.

3. Since the deceased was not a third party, as per the liability only policy marked as Ex.P5 and Ex.R4, the Tribunal has rightly dismissed the claim petition, as the claim made by the appellants is not a third party claim. This Court does not find any infirmity in the findings of the



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Tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No

Costs.

04.07.2024

Index: yes/no

Neutral citation: yes/no

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To

Motor Accident Claims Tribunal,

Sub-Court,

Sankari.

ABDUL QUDDHOSE,J.

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