



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.M.A.No.2912 of 2024

The Universal Sampo General
Insurance Company Ltd.,
Rep. By its Branch Manager,
3rd Floor, KVV Samrat,
217/A, 3rd Main out Ring Road,
Kasturi Nagar, Bangalore,
Karnataka State.

... Appellant

-vs-

1. Vijayalakshmi
2. Minor Jeeva
3. Salamma
(R2 minor rep. By mother/
Next friend first respondent herein)

4. J. Edward

... Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 03.11.2023 in M.C.O.P.No.683 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri.

For Appellant	: Mr.R.Sree Vidhya
For Respondent	: Mr.M.Sivakumar RR1 to 3

J U D G M E N T

This appeal has been filed by the appellant/claimant against the Judgment and Decree dated 03.11.2023 in M.C.O.P.No.683 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Court for Motor Accident



Claims Cases, Krishnagiri.

WEB COPY

2. It is the case of the appellant that the appellant is the insurance company. The respondents 1 to 3 are claimants and the 4th respondent is the owner of the vehicle bearing Reg. No.KA 03 NH 0637 which was insured with the appellant insurance company for the year 03.09.2021 to 02.09.2022 and thereafter, the 4th respondent has obtained third party insurance policy from 03.09.2022 to 02.09.2023 with the IFFCO TOCKIO General Insurance Company Ltd., and the date of accident is on 07.06.2022. Without considering the said fact, the Tribunal has fixed the liability as against the appellant herein. On the sole ground, the present appeal has been filed.

3. The learned counsel for the appellant submitted that this Court may remand the matter back to the Tribunal.

4. The learned counsel for the claimants submitted that this Court may direct the Tribunal to implead the IFFCO TOCKIO General Insurance Company as one of the Party and also to dispose the case within the stipulated time as fixed by this Court.

5. Heard the learned counsel for either side and perused the materials



available on record.

WEB COPY

6. In view of the consent view expressed by the learned counsel for the appellant as well as the claimants, this Court is inclined to set aside the award in MCOP. No.683 of 2022 dated 03.11.2023 and remands the matter back to the Tribunal and passes the following orders:

(i) The claimants are directed to file a impleading petition before the Tribunal within a period of four weeks from the date of receipt of a copy of this order; and

(iii) The Tribunal shall dispose the case within a period of six months from the date of receipt of a copy of this order.

7. With the above observation and directions, the Civil Miscellaneous Petition is allowed. No costs.

04.11.2024

Rli

Note: Registry is directed to send the file to the Tribunal forthwith.

Index: Yes/No

NCS : Yes/No

M.DHANDAPANI, J.



WEB COPY

To
The Judge,
Motor Accident Claims Tribunal,
Special District Court for Motor Accident
Claims Cases, Krishnagiri.

C.M.A.No.2912 of 2024

04.11.2024