



C.M.A.No.2936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.2936 of 2024

And

C.M.P.No.24494 of 2024

1.Egambaram
2.Jayapathma
3.Bakkiyalakshmi

... Appellants

Vs.

1.S.Sepastin
2.The Divisional Manager,
The United India Insurance Co. Ltd.,
No.13-A, SBI Complex, Nethaji Road,
Manjakuppam,
Cuddalore – 607 001.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in M.C.O.P.No.989 of 2020 dated 04.01.2024 on the file of the Motor Accidents Claims Tribunal / Special District Court No.I, Cuddalore.

For Appellants : Ms.Ramya V.Rao
For Respondents : Mr.D.Baskaran for R2

J U D G M E N T

This appeal has been filed against the judgment and decree



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dated 04.01.2024 passed by the Motor Accidents Claims Tribunal/
Special District Court No.I, Cuddalore, in M.C.O.P.No.989 of 2020.

2.The learned counsel appearing for the appellants submitted that on 21.06.2020 at about 3.30 p.m., the deceased Sathyamoorthy was riding the motorcycle bearing Registration No.TN-31-BH-7126 in Kollukkarankuttai – Kurinjipadi Road in West to East direction. At that time, the driver of the vehicle belonging to the first respondent and insured with the second respondent came in the opposite direction in a rash and negligent manner and dashed against the motorcycle, due to which, he died.

3.The learned counsel appearing for the appellants further submitted that thereafter, the parents and sister of the deceased Sathyamoorthy/ appellants/ claimants filed claim petition before the Motor Accidents Claims Tribunal, claiming a sum of Rs.50 Lakhs as compensation for the death of Sathyamoorthy. After adjudication, the Tribunal awarded a sum of Rs.27,75,400/- as compensation along with interest at the rate of 7.5% per annum from the date of filing of the petition till the date of realization with proportionate costs and directed the second respondent to deposit the compensation.



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4.The learned counsel appearing for the appellants further submitted that at the time of accident, the vehicle owned by the first respondent was not insured with the second respondent and it was insured with the New India Assurance Company Limited and only recently the appellants came to know about the same and hence, this Court may set aside the impugned judgment and decree and remand the matter back to the Tribunal and permit the appellants to implead the New India Assurance Company Limited as one of the party respondent and issue direction to the Tribunal to dispose of the claim petition after providing opportunity to the New India Assurance Company Limited.

5.The learned counsel appearing for the second respondent raise no serious objection.

6.Heard the learned counsel appearing for the appellants and the learned counsel appearing for the second respondent and perused the materials available on record.

7.Considering the submission made by the learned counsel appearing for the appellants and since the learned counsel appearing



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for the second respondent raise no serious objection, this Court set aside the judgment and decree dated 04.01.2024 passed by the Motor Accidents Claims Tribunal/ Special District Court No.I, Cuddalore, in M.C.O.P.No.989 of 2020 and remand the matter back to the Tribunal for fresh adjudication. This Court permit the appellants to implead the New India Assurance Company Limited as one of the party respondent. This Court directs the Tribunal to consider the claim petition afresh and dispose of the same, after providing opportunity to the appellants and the New India Assurance Company Limited, as expeditiously as possible.

8.The civil miscellaneous appeal is allowed on the above terms. The judgment and decree dated 04.01.2024 passed by the Motor Accidents Claims Tribunal/ Special District Court No.I, Cuddalore, in M.C.O.P.No.989 of 2020, is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

08.11.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No
To
1.The Motor Accidents Claims Tribunal/

4/5



Special District Court No.I, Cuddalore

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M.DHANDAPANI,J.
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