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C.M.A.Nos.1308 and 1309 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/11/2024

C O R A M

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

Civil Miscellaneous Appeal Nos.1308 and 1309 of 2020

Bajaj Allianz General Insurance Co. Ltd.,
25/26, Prince Towers, IV Floor,
College Road, Nungambakkam,
Chennai 600 034. ...Appellant in both CMAs.

vs.

- | | | |
|---|-----|--|
| 1. Jayakodi | ... | 1 st respondent in
CMA No. 1308 of 2020 |
| 2. Manimekalai | ... | 2 nd respondent in
CMA No. 1308 of 2020 |
| 1.Arumugam | ... | 1 st respondent in
CMA No. 1309 of 2020 |
| 2. Dhanalakshmi | ... | 2 nd respondent
in CMA No. 1309 of 2020 |
| 3. MRF Limited,
R.S. No.106/1, Erippakkam Village,
Nettappakkam Commune,
Puducherry. | ... | 3 rd respondent in
both CMAs. |

Prayer in CMA No.1308 of 2018: Civil Miscellaneous Appeal filed under
Section 173 of Motor Vehicles Act, 1988, against the decree and judgment



dated 13 th day of April, 2017, made in MCOP No. 462 of 2016, on the file of the Motor Accident Claims Tribunal (I Additional District Court), Cuddalore.

Prayer in CMA No.1309 of 2018: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 13 th day of April, 2017, made in MCOP No. 463 of 2016, on the file of the Motor Accident Claims Tribunal (I Additional District Court), Cuddalore.

For appellants	...	Ms.C.Harini for M/s.M.B.Gopalan & Associates
		M/s.Ramya V. Rao for R.R.1 and 2
		Mr.M.Vijayan for M/s.King & Partridge

COMMON JUDGMENT

These appeals have been filed by the Insurance Company challenging the common award dated 10/2/2018 passed by the Motor Accident Claims Tribunal (I Additional District Court), Cuddalore in M.C.O.P.Nos.462 and 463 of 2016, on the sole ground that the owner of the bus bearing Registration No.PY-01-BT-5955 did not possess valid permit.



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2. The facts in brief are as follows:-

The respondents/claimants filed claim petitions in M.C.O.P.Nos.462 and 463 of 2016 alleging that at about 02.00 p.m., when the deceased Devan @ Deva was proceeding as a pillion rider of Hero Passion pro motor cycle bearing Registration No.TN-31-BS-3942 from north to south driven by the deceased Harishnan, driver of the first respondent's bus bearing Registration No.PY-01-BT-5955 came from the opposite direction, dashed against the deceased motor cycle, as a result, both the rider and pillion rider sustained fatal injuries and died on the spot.

3. Before the Claims tribunal, legal heirs of the respective deceased were examined as P.Ws.1 and 2 and P.W.3 is the eye witness and marked Exs.P.1 to P.16.

4. On behalf of the appellant Insurance Company, three witnesses were examined and marked Exs.R.1 to 5. However, claims tribunal fastened the entire liability as against the Insurance Company. Being aggrieved, the instant appeals are filed.



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5. Heard Ms.C.Harini, learned counsel for the appellant and Ms.amya Rao, learned counsel for the respondents 1 and 2 and Ms.Ramya, learned counsel for the third respondent.

6. The learned counsel appearing for the appellant submitted that the insured vehicle is a bus owned by the third respondent and is meant only for transporting its staff within the city of Puducherry alone, but the accident had occurred in Tamil Nadu. Hence, the appellant Insurance Company is not liable to pay compensation to the family of the deceased.

7. The learned counsel appearing for the third respondent produced copy of the permit, and submitted that the appeals preferred by the appellant Insurance Company are misconceived and moreover, the compensation amount awarded by the Tribunal was deposited by the appellant Insurance Company and hence, prays for dismissal of these appeals.

8. The learned counsel appearing for the appellant submitted that permit which was produced before this Court was not produced before the claims tribunal.



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9. On a careful perusal of the permit which was produced before this Court and also considering the fact that the compensation amount was already deposited by the Insurance Company, this Court is of the considered view that the appeals filed by the appellant are misconceived and hence deserves dismissal.

10. In the result, these Civil Miscellaneous Appeals are dismissed.

No costs.

6/11/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (I Additional District Court), Cuddalore.



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