



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 1192 of 2012

The Manager,
National Insurance Company Limited,
West Pradhatchanam Road,
Karur.

... Appellant

Vs.

1. Dhanabakkiyam
2. Rajendran
3. D.Ramesh

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Order and Decree dated 06.06.2011 passed in M.C.O.P.No.141 of 2009 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Karur.

For Appellant : M/s.A.S.Mathialagan

For Respondents : Mr.M.Karhikeya Venkitachalapathy,
for R-1

No Appearance – R-2 & R-3

JUDGEMENT

The Insurance Company has preferred this Civil Miscellaneous Appeal against the Order and Decree, dated 06.06.2011 passed in



M.C.O.P.No.141 of 2009 on the file of the Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court, Karur.

2. It is a case of injury. The disability was fixed as 50%. The contention of the Insurance Company is that though the Tribunal has decided that the driver was not having valid driving license at the time of accident, the Tribunal has failed grant Pay and Recovery order. While discussing the issue, the Tribunal has specifically stated that the Insurance Company should Pay and Recover from the owner of vehicle. But in the operative portion of the Order, the Tribunal has failed to state the insurance company shall Pay and Recover.

3. The owner of the vehicle was set exparte before the Tribunal as well as before this Court.

4. This Court independently verified the fact whether the driver is having license. It is seen the RTO had deposed that at the time of accident the driver was not possessing valid driving license. Therefore, this Court is inclined to allow this Civil Miscellaneous Appeal.

5. Accordingly, this Civil Miscellaneous Appeal is allowed. The compensation granted by the Tribunal is hereby confirmed. The Insurance



Company is directed to deposit the compensation of Rs.85,660/-as compensation with 7.5% interest along with costs, within a period of 8 weeks from the date of receipt of copy of the order and the same shall be recovered from the owner of the vehicle. No Costs.

18.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court,
Karur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No. 1192 of 2012

18.04.2024