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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)Nos.1397 & 1460 of 2012

and

M.P(MD)Nos. 1 of 2012 & 1 of 2012

C.M.A(MD)No.1397 of 2012

The Branch Manager,
Cholamandalam M.S.General Insurance
Company Limited,
Dare House, 2nd Floor,
N.S.C.Bose Road, Chennai-600 001.

... Appellant

Vs.

1. Unni

2. Anish

... Respondents

C.M.A(MD)No.1460 of 2012

The Branch Manager,
Cholamandalam M.S.General Insurance
Company Limited,
Dare House, 2nd Floor,
N.S.C.Bose Road, Chennai-600 001.

... Appellant

Vs.

1. Manikandan

2. Anish

... Respondents



COMMON PRAYER: Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, to set aside the Judgment and Decree, dated 31.05.2012 made in M.C.O.P.Nos.141 & 140 of 2011 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.

In Both the Appeals

For Appellant : M/s.S.Srinivasa Raghavan
For R-1 : Non appearance
For R-2 : Mr.C.Kishore

COMMON JUDGEMENT

The Insurance company has preferred these appeals to set aside the Judgment and Decree, dated 31.05.2012 made in M.C.O.P.Nos.141 & 140 of 2011 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.

2. It is a case of injury. The Insurance company has preferred these appeals on the ground that the Insurance company is not liable to pay compensation since the driver of the alleged vehicle was not holding valid driving license.

3. It is seen from the records that the Tribunal has taken the same into consideration and passed an award directing the Insurance company to pay



compensation and further directed to recover the same from the owner of the vehicle. It is a settled preposition of law that whenever there is no valid driving license the Insurance Company is liable to pay compensation and after paying, recover the same from the owner of the vehicle. Therefore, this Court is not inclined to interfere with the Order passed by the Tribunal.

4. Accordingly, these Appeals are hereby dismissed. The award passed by the Learned Chief Judicial Magistrate/Motor Accident Claims Tribunal, Tirunelveli, dated 31.05.2012 made in M.C.O.P.Nos.141 & 140 of 2011 are hereby confirmed. The Insurance Company is directed to deposit the award of compensation, within a period of 8 weeks from the date of receipt of a copy of the order, less the amount if already deposited and recover the same from the owner of the vehicle. On such deposit, the claimants are permitted to withdraw the same, as per Law. No Costs. Consequently, connected miscellaneous petitions are closed.

12.06.2024

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

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To

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



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S.SRIMATHY, J.

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**Common Judgment made in
C.M.A(MD)Nos.1397 & 1460 of 2012**

12.06.2024