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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 1702 of 2013

and

MP.P(MD)Nos. 3 & 3 of 2013 and 1 of 2014

M/s. National Insurance Company Limited,
Represented by its Branch Manager,
Nagercoil Post,
Rasi Plaza, West Pradashanam Road,
Karur.

... Appellant

Vs.

1. P.Perumal

2. P.Kannan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 06.10.2012 passed in M.C.O.P.No.86 of 2012 on the file of the Chief Judicial Magistrate Court/MACT, Karur.

For Appellant : M/s.P.Malini

For R-1 & R-2 : No Appearance

JUDGEMENT

The Civil Miscellaneous Appeal is filed against the Judgment and Decree, dated 06.10.2012 passed in M.C.O.P.No.86 of 2012 on the file of the Chief Judicial Magistrate Court/Motor Accident Claims Tribunal, Karur.



2. The Insurance Company has preferred this Civil Miscellaneous Appeal on the ground that the First Information Report was filed belatedly. The accident was occurred on 23.02.2009. The Injured was admitted in Hospital on 03.03.2009 and discharged on 05.03.2009. The First Information Report was registered on 07.03.2009.

3. According to the First Information Report, the alleged vehicle was coming behind the vehicle of the injured. But, according to the accident report, it is head on collision. After considering the case, the Tribunal has come to the conclusion that the accident report is correct. When the Tribunal had considered the nature of accident after verifying the records, therefore this Court is not inclined to interfere in the said fact finding.

4. On perusal of award of compensation, the Tribunal has granted a sum of Rs.1,17,250/-, as compensation. When the accident report is conclusively stating that vehicle was involved, the plea of the Insurance Company that the accidental vehicle cannot be identified is rejected.

5. Accordingly, this Civil Miscellaneous Appeal stands dismissed. The Judgment and Decree, dated 06.10.2012 passed in M.C.O.P.No.86 of 2012



on the file of the Chief Judicial Magistrate Court/Motor Accident Claims Tribunal, Karur, is hereby confirmed. The Insurance Company is directed to deposit the entire compensation of Rs.1,17,250/-granted by the Tribunal, within a period of 8 weeks from the date of receipt of a copy of this Judgment, less the amount if already deposited. On such deposit being made, the claimant is entitled to withdraw the same, as per Law. No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

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.1702 of 2013**

19.06.2024