



C.M.A(MD)No.1892 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1892 of 2013

The Branch Manager,
National Insurance Company Limited,
Pudukkottai.

... Appellant

Vs.

1.Sengole Mary
2.Sarprasadam
3.Arockiasamy
4.Savariyar
5.Soosairaj

6.Rajaram Roadways by its Proprietor,
3, Mamundi Mada Street,
Pudukkottai.

(Exparte in Tribunal ; Notice Dispensed with)

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order and decree, dated 19.09.2006, made in M.A.C.O.P.No.73 of 2002, on the file of the Motor Accident Claims Tribunal, Sub Court, Pudukkottai.

For Appellant : Mr.D.Sivaraman

For R1 to R5 : No appearance



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JUDGMENT

This Civil Miscellaneous Appeal is preferred by the Insurance Company.

2. It is a case of fatal. The contention of the Insurance Company is that the victim had injury on his left shoulder, left leg and chest and he was admitted in the hospital for a period of 6 days. Subsequently, the victim died after a period of four months. The legal heirs had not reported the death was due to the said accident and hence post mortem was conducted. Further, the FIR was filed belatedly after one week from the date of accident. Therefore, based on these facts the learned Counsel appearing for the appellant submitted that there is no nexus between the accident and the death and the claimants had not produced any evidence to prove there is nexus.

3. This Court has issued notice to the claimants but none appeared either in person or through any Advocate. The Tribunal has granted compensation to the tune of Rs.90,000/-. Even though it is a meagre amount, the issue raised by the Insurance Company is valid. When there is no nexus, compensation cannot be granted. Moreover, when the victim has not submitted any claim petition during



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his lifetime for the accident and for the injuries he had suffered, this Court is inclined to allow this appeal. Hence, the claimants are not entitled to any compensation. Therefore, the order passed by the Tribunal is set aside. The Insurance Company has deposited the amount and they are at liberty to withdraw the same.

4. With the above said observations, the Civil Miscellaneous Appeal is allowed. No costs.

20.06.2024

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

Tmg

To

1. Motor Accident Claims Tribunal,
Sub Court, Pudukkottai.

2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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