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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1949 of 2013

The United India Insurance Company Limited,
No.1-A, First Floor,
Thanjavur Main Road,
Thiruverumbur, Trichy-13.

... Appellant

Vs.

Samuel

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree passed in M.C.O.P. No.958 of 2008 dated 08.08.2012 on the file of the Motor Accident Claims Tribunal Cum Sub Court, Tiruchirapalli.

For Appellant : M/S.C. Jawahar Ravindran

For Respondent : Mr.N.Sudhagar Nagaraj

JUDGEMENT

This Civil Miscellaneous Appeal is filed against the Judgment and Decree passed in M.C.O.P.No.958 of 2008 dated 08.08.2012 on the file of the Motor Accident Claims Tribunal Cum Sub Court, Tiruchirapalli.



2. It is a case of injury. The contention of the Insurance Company is that the victim is owner of the vehicle and he is a tort-feasor hence, the Insurance Company is not liable to pay compensation.

3. On perusal of the Insurance policy, it is seen that extra premium has been paid. Therefore, the same cannot be treated as personal accident policy, it covers other accident also. Therefore, there is no legally sustainable ground.

4. Accordingly, this Civil Miscellaneous Appeal stands dismissed. The Judgment and Decree passed in M.C.O.P.No.958 of 2008 dated 08.08.2012 on the file of the Motor Accident Claims Tribunal Cum Sub Court, Tiruchirapalli, is hereby confirmed. No Costs.

24.06.2024

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

1. The Motor Accident Claims Tribunal Cum Sub Court,
Tiruchirapalli.

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



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S.SRIMATHY, J.

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**Judgment made in
C.M.A(MD)No.1949 of 2013**

24.06.2024