



C.M.A(MD)No.946 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.946 of 2021

and

C.M.P(MD).No.8929 of 2021

TATA AIG General Insurance Company Ltd.,
Door No.4&5, Bypass Road,
Madurai, Madurai District.

... Appellant

Vs.

Kasipandian

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, against the award and decree dated 13.07.2021 passed in M.C.O.P.No.10 of 2016 on the file of the Motor Accidents Claims Tribunal cum Additional Subordinate Judge of Tenkasi.

For Appellant : Mr.V.Sakthivel

For Respondent : Mr.M.S.Sureshkumar

JUDGMENT

The Insurance Company has filed this Civil Miscellaneous Appeal for quantum as well as liability to pay the interest portion, since it is a personal accident.



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2. It is a case of injury. The respondent is the owner cum driver who met with the accident and hence there is no contractual liability between the parties to pay the compensation. When the owner is met with an accident and in the case of fatal accident, the maximum liability that the Insurance Company can pay is Rs. 1,00,000/-. In the present case, it is only a case of injury. Therefore, the Tribunal has rightly awarded Rs.50,000/-.

3. However, as far as the interest portion is concerned, the Learned Counsel appearing for the appellant relied on the judgment rendered by this Court in C.M.A.(MD)No.220 of 2023, dated 22.06.2023, wherein the Learned Single Judge relied on the case of ***Ramkhilladi and another Vs. United India Insurance Company Limited and another*** reported in ***2020 (1) CTC 443*** wherein it is held that for personal liability, the maximum amount that can be awarded is Rs. 1,00,000/- that too for fatal accident and the maximum amount cannot exceed Rs. 1,00,000/- which is inclusive of interest as well. Taking into account of the same, the Learned Single Judge has set aside the interest portion which was awarded by the Tribunal therein.

4. Following the said judgment, this Court is also inclined to set aside the



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interest portion alone. However, the appellant is liable to pay Rs.50,000/-.

Therefore, the appellant is directed to deposit Rs.50,000/- and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal. If the Insurance Company has deposited any excess amount, the same shall be withdrawn by the Insurance Company.

5. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2024

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

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To:

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- 1.The Motor Accidents Claims Tribunal cum
Additional Subordinate Judge,
Tenkasi.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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