



C.M.A(MD)No.299 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.299 of 2024

A.Vasanthan ... Appellant/Petitioner

Vs.

1.R.Selvaraj

2.The Branch Manager,
The New India Assurance Company Limited,
Trichy. ... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree in M.C.O.P.No.328 of 2009 on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Pudukkottai, dated 28.01.2010 exonerating the second respondent/Insurer and fixing the liability on the first respondent/insured owner of the vehicle.



C.M.A(MD)No.299 of 2024

WEB COPY

For Appellant : Mr.N.Balakrishnan

For Respondents : Mr.R.Sundar
for R.1
: Mr.D.Sivaraman
for R.2

JUDGEMENT

This petition is filed by the claimant to enhance the award amount passed by the Tribunal.

2. The accident had occurred on 04.12.2007. In the said accident more than 35 persons were injured wherein they had filed claim petitions. All the claim petitions were taken up and a common order was passed. As far as the present claim petition filed in M.C.O.P.No.328 of 2009 is concerned the Tribunal had held that one Jayaraman had acted as driver of the 1st respondent vehicle and he is responsible for the accident. But one Veerappan was the authorised driver but he had allowed the said Jayaraman to driver the vehicle. Further it is held that the said Jayaraman was not having any driving license. Even though the vehicle was insured with the insurance company since the said Jayaraman was not having any



C.M.A(MD)No.299 of 2024

WEB COPY

license, the Tribunal had held that the Insurance Company is not liable to pay the said amount. However, directed the owner of the vehicle to pay the compensation amount of Rs.26,000/-.

3. In spite of the said order passed by the Tribunal, the 1st respondent had not deposited the said amount. Hence this Court vide order dated 12.02.2024 directed the 1st respondent to deposit the said amount. The learned Counsel appearing for first respondent submitted that the first respondent has already deposited a sum of Rs.26,000/- (Rupees Twenty Six Thousand only) based on the order of this Court dated 12.02.2024.

4. Since the first respondent had paid the said amount belatedly, the appellant/petitioner is entitled to the interest to the deposited amount. Therefore, the first respondent is again directed to deposit an amount to the tune of Rs.26,000/- (Rupees Twenty Six Thousand only) for the interest portion. On such deposit, the petitioner/appellant is permitted to withdraw the same.



C.M.A(MD)No.299 of 2024

WEB COPY

5. With the above said direction, this Civil Miscellaneous Appeal
is allowed. No costs.

19.03.2024

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

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



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C.M.A(MD)No.299 of 2024

S.SRIMATHY, J.

jbr

Order made in
C.M.A(MD)No.299 of 2024

19.03.2024