



C.M.A.(MD)No.1066 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **25.09.2024**

CORAM :

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A(MD)No.1066 of 2014
and M.P(MD)No.3 of 2014

National Insurance Company Limited,
Rep. By its Branch Manager,
Door.No.2-A, 1st Floor,
Thirumukkulam North Street,
Tallakulam, Madurai – 625 002

... Appellant/2nd Respondent

Vs.

1.Bhuvaneswari

...Respondent No.1/Petitioner

2.N.Anandan

...2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.12.2010 passed in M.C.O.P.No.192 of 2007 on the file of the Motor Accident Claims Tribunal, Sub Court, Srivilliputhur.

For Appellant : Mr.D.Sivaraman
For R1 : Mr.M.Jothibasu

JUDGMENT

The instant appeal has been filed challenging the finding on liability.



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2. It is brought to the notice of this Court that the Insurance Company has earlier filed C.M.A(MD)No.635 of 2016 against the order passed by the Tribunal in M.C.O.P.No.119 of 2007, which was filed claiming compensation for the death of a person in the same accident. The very same ground raised in that appeal is raised in the present appeal, namely, that the driver of the insured vehicle had not renewed his license.

3. Since the findings on negligence and the quantum of compensation is not under challenge, the facts leading to the filing of the claim petition are unnecessary for disposal of this appeal.

4. The learned counsel for the appellant submitted that this Court, while dismissing the appeal had not granted liberty to the appellant to pay and recover, though admittedly, the driving license had expired on 10.07.2006 and the accident took place on 22.07.2006.

5. The learned counsel for the 1st respondent/claimant submitted that this very issue was considered by this Court in CMA(MD)No.635 of



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2016 and therefore, the submission of the learned counsel for the appellant cannot be countenanced.

6. This Court has given its anxious consideration to the submissions made on either side and perused the materials available on record and the order of this Court dated 14.06.2023 passed in C.M.A(MD)No.635 of 2016.

7. As stated earlier, this Court finds that the very same issue came up for consideration before this Court in CMA(MD)No.635 of 2016 challenging the award in the claim petition filed by the legal representatives of one of the deceased in the accident. The relevant portion of the said order is extracted herein under:

“8. The primary contention of the learned counsel appearing for the appellant is that the driving license of the Tata Sumo Car driver had expired on 10.07.2006 and the accident having taken place on 22.07.2006, and it should be considered that on the date of accident, the driver was not having an effective or valid driving license. However, the said submission is not legally sustainable.



9. Section 14(2) (b) (ii) of the Act clearly points out that every driving license shall, notwithstanding its expiry under this Sub- Section, continue to be effective for a period of 30 days from such expiry. In the present case, the accident has taken place within a period of 30 days from the date of expiry of the driving license. Therefore, the Tribunal was right in arriving at a finding that the driver of the Tata Sumo Car was having a valid and effective driving license on the date of accident".

8. The above said judgment has not been challenged and has become final. This Court cannot take a contrary view in this appeal. Hence, the appeal is liable to be dismissed. The learned counsel for the appellant is unable to point out any infirmity in the quantum of compensation awarded by the Tribunal. This Court is of the view that the quantum of compensation is reasonable.

9. The appellant shall deposit the entire compensation amount of Rs.2,82,716/- with accrued interest at the rate of 7.5% from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. The respondent No.1/claimant is



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permitted to withdraw the same by filing a suitable application before the Tribunal.

10. In fine, this appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.09.2024

Index : Yes / No
Neutral Citation : Yes / No
CM

To

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

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



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SUNDER MOHAN, J.

CM

Judgment made in
C.M.A(MD)No.1066 of 2014
and M.P(MD)No.3 of 2014

25.09.2024