



C.M.A(MD)No.636 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.636 of 2014

and

M.P.(MD)No.1 of 2014

The Branch Manager,
National Insurance Company Limited,
Nagercoil Branch,
Kanyakumari District.

... Appellant

Vs.

1.Suresh Kumar @ Suresh
2.G.Selvam @ Selvan
3.K.Thombson

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the fair and decreetal order, dated 05.03.2011, made in M.C.O.P.No.124 of 2006, on the file of the Motor Accident Claims Tribunal (Principal Subordinate Court), Nagercoil.

For Appellant : Mr.S.Srinivasa Raghavan

For R1 : Mr.T.Selvakumaran

For R2 : No appearance



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JUDGMENT

The Insurance Company has preferred this Civil Miscellaneous Appeal.

2. The contention of the Insurance Company is that the Driver was not having license to drive heavy vehicles and was not in possession of badge, hence the Insurance Company is not liable to pay the compensation. It is seen that the vehicle involved in the accident is Auto, which comes under the category of heavy vehicle. It is a settled proposition if the vehicle is below 7500 Kg, badge is not necessary and light vehicle license itself is sufficient.

3. Therefore, the compensation granted by the Tribunal is legally sustainable. Hence, this Court is inclined to dismiss this appeal confirming the order passed by the Tribunal and accordingly dismissed.

4. The appellant Insurance Company and respondents 2 and 3 herein are directed to deposit Rs.37,450/- jointly or separately with interest at the rate of 7.5% per annum 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 four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant



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is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.

5. With the above said observations, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2024

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

Tmg

To

1. Motor Accident Claims Tribunal,
(Principal Subordinate Court), Nagercoil.

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



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S.SRIMATHY, J.

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