



C.M.A(MD)No.638 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.638 of 2014

and

M.P.(MD)No.4 of 2014

Oriental Insurance Company Limited,
Through its Branch Manager,
3rd Avenue, V.I.P. Show Room,
Ward No.115, Anna Nagar,
Chennai Town,
Chennai District.

... Appellant

Vs.

1.Chellapandian
2.Jeyarani
3.Poovarasu

... Respondents

(Respondent No.3 given up)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgement and decree, dated 21.02.2012, made in M.C.O.P.No.109 of 2010, on the file of the Motor Accident Claims Tribunal cum Sub Court, Uthampalayam.

For Appellant	: Mr.C.Jawahar Ravindran
For R1 & R2	: No Appearance
R3	: Given Up



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JUDGMENT

The Insurance Company has filed this Civil Miscellaneous Appeal.

2.It is a case of fatal. The contention of the Insurance Company is that the deceased has borrowed the vehicle from the owner, therefore, the deceased is entitled compensation under Act policy alone. When the case comes under Act policy then granting compensation of Rs.4,03,800/- is erroneous.

3. On perusing the documents, it is seen that the deceased had borrowed the vehicle from the original owner. Hence the deceased would step into the shoes of the owner. Therefore, compensation based on Act policy alone is payable. Therefore, the Insurance Company is liable to pay Rs.1,00,000/- as compensation. But it is seen that the accident occurred in the year 2010 and until today the family was not paid any compensation and hence to meet the ends of justice this Court is fixing the compensation amount as Rs.1,50,000/-.

4. As far as paying interest is concerned, it is seen the present appeal is preferred belatedly with a delay of 187 days, therefore, this Court fixing the rate of interest as 8% per annum and the same is payable from the date of accident till



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the date of deposit. Thus, this Court is reducing the total compensation granted by the Tribunal from Rs.4,03,800/- to Rs.1,50,000/- and is enhancing the interest granted by the Tribunal from 7.5% per annum to 8% per annum.

5. Therefore, the appellant Insurance Company is directed to deposit Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) with interest at the rate of 8% per annum from the date of accident till the date of deposit 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 six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their shares with proportionate accrued interests and costs in the ratio fixed by the Tribunal, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal.

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

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



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- To
- 1.Motor Accident Claims Tribunal cum
Sub Court, Uthampalayam.
 - 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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