



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.900 of 2014

The Manager,
Oriental Insurance Company Limited,
B.L.A.Building,
No.12 A, Kovai Road, Karur.

... Appellant

Vs.

1. Samudeeswari
2. S.Sureshkumar

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and decree passed in M.C.O.P.No. 20 of 2009 dated 20.08.2011 on the file of the Motor Accident Claims Tribunal cum Principal Sub Court, Karur.

For Appellant : M/s.S.Vanitha

For Respondents : Mr.K. Suresh Kumar, for R-1

R-2 : No appearance

JUDGEMENT

The present Civil Miscellaneous Appeal is filed by the Insurance

Company against the Judgment and decree passed in M.C.O.P.No.20 of 2009



dated 20.08.2011 on the file of the Motor Accident Claims Tribunal cum
Principal Sub Court, Karur.

2. It is a case of injury. The contention of the Insurance Company is that five passengers had travelled in a car and the injured ought to be considered as *gratitude passenger* and he cannot claim any compensation.

3. The Learned Counsel appearing on either side submitted that even though five persons had travelled in the car, only one had sustained injuries, that too grievous injury. The injured had suffered fracture and iron rod has also been implanted in the legs.

4. After hearing the argument this Court is not able to accept the contention of the Insurance Company. When the Insurance policy is taken for vehicle, whether it is car or two-wheeler, it is the responsibility of the Insurance Company to pay compensation to the policy holder. In the present case, even though five persons had travelled there is no injury to other persons. Moreover, the compensation amount is only meagre amount Rs.2,20,000/-. Since there are no merits in the appeal this Court is not inclined to entertain this Appeal.



5. Accordingly, this Civil Miscellaneous Appeal stands dismissed and the award passed in M.C.O.P.No.20 of 2009 dated 20.08.2011 on the file of the Motor Accident Claims Tribunal cum Principal Sub Court, Karur, is hereby confirmed. The Insurance Company is directed to deposit Rs.2,20,000/-as compensation, with 7.5% interest along with costs, within a period of 8 weeks from the date of receipt of a copy of this Judgment, less the amount if already deposited. On such deposit being made, the claimant is permitted to withdraw the same, as per Law. No Costs.

10.07.2024

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

To

1. The Motor Accident Claims Tribunal/
Principal Sub Court,
Karur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Order made in
C.M.A(MD)No.900 of 2014**

10.07.2024