



C.M.A(MD)No.1198 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1198 of 2016

and

C.M.P.(MD)No.10535 of 2016

The United India Insurance Company Limited,  
Nagercoil,  
represented by its Branch Manager  
having his office at Nagercoil.

... Appellant

Vs.

1.P.Sivathanu Pillai  
2.S.Subramanian  
3.S.Padmanahan  
4.Karthikeyan

... Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree passed in M.C.O.P.No.196 of 2011, dated 01.10.2013, by the Motor Accident Claims Tribunal, Principal District Court, Tirunelveli.

For Appellant : Mr.C.Jawahar Ravindiran

For R1 to R3 : Mr.C.Raja Kumar

\*\*\*\*\*



*C.M.A(MD)No.1198 of 2016*

WEB COPY

## JUDGMENT

This Civil Miscellaneous Appeal is preferred by the Insurance Company.

2. It is a case of fatal. The contention of the Insurance Company is that the owner of the car is the husband. His wife had travelled in the car and died in the accident. The contention of the Insurance Company is that the car is covered under liability only policy with personal accident cover for the driver and owner. The husband is the owner of the car and the wife cannot be considered as driver. The insurance company has no liability to settle the claim of the passenger of the vehicle. Since the personal accident policy alone would cover, the compensation can be granted only for the husband as Driver and owner of the car but not to the wife who has travelled in the car as a passenger.

3. It is seen that the insurance company had not marked the policy before the Tribunal. Hence the contention of the insurance company is rejected. The accident occurred on 24.09.2003 and the award amount is only Rs.3,02,837/-. Therefore, this Court is not interfering in the award.



*C.M.A(MD)No.1198 of 2016*

4. The appellant Insurance Company is directed to deposit Rs.3,02,837/- (Rupees Three Lakh Two Thousand Eight Hundred and Thirty Seven only) 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 six weeks from the date of receipt of a copy of this judgment. On such deposit, the 1<sup>st</sup> claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.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.

**02.07.2024**

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

To

1.Motor Accident Claims Tribunal,  
Principal District Court, Tirunelveli.

2.The Section Officer,  
Vernacular Section,



*C.M.A(MD)No.1198 of 2016*

Madurai Bench of Madras High Court,  
Madurai.

**S.SRIMATHY, J.**

Tmg

C.M.A(MD)No.1198 of 2016

02.07.2024