IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMA No. 1354 of 2025
AND
CMP NO. 11516 OF 2025

ICICI Lombard General Insurance Co Ltd
Chottabai Centre, 2nd Floor, No.140,
Nungambakkam High Road, Chennai 34.

Appellant

Vs

1. Sampath

2.G. Selvaraj

Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the order dated 20.11.2024 made in MCOP No.1899 of 2016 Special Sub Court No.1, Motor Accidents Claims Petitions, Small Causes Court, Chennai.

For Appellant: Mr. Siva Kollapan B

JUDGMENT

The appellant, who is the 2nd respondent in a claim petition filed in M.C.O.P.No. 1899 of 2016, challenging the award passed by the Tribunal, had preferred this Civil Miscellaneous Appeal.

2. Before the tribunal, the Claim Petition was filed by the 1st respondent/petitioner claiming compensation to the tune of Rs.6,00,000/- for the injuries sustained by the petitioner in a motor took place on 06.02.2016. On hearing both sides, the tribunal passed an award for a sum of Rs.1,49,000/-. Against which, the appellant insurance company preferred this Civil Miscellaneous Appeal.

3. The learned counsel for appellant would submit that by submitting fake policy, the petitioner filed the above claim petition by using the appellant as 2nd respondent as if his motorcycle vehicle was registered with the appellant insurance company. Though objections raised before the Tribunal, the learned Judge has not appreciated the evidence adduced on the side of appellant/2nd respondent before the Tribunal. Therefore, the appellant prayed to set aside the findings of the tribunal as it is perverse and erroneous one.

4. The main objections raised on the side of appellant is that the policy relied on by the petitioner is a fake policy and they have also produced the said policy marked as Ex.R5. On a bare perusal of records, the fact reveals that the accident was happened in the year of 2016 and the counter objections

was filed by the appellant/2nd respondent Insurance Company before the Tribunal on 13.10.2019, but there is no such allegation regarding fake policy mentioned in the counter objections. Thereafter, the investigation officer is also appointed to enquire about the accident, even at that time the plea of fake policy was not raised. Only in the year of 2023, an online complaint was given by the appellant Insurance Company to the police regarding fake policy. Thereafter, there was no follow-up. Hence, the Tribunal has come to a conclusion that the appellant Insurance Company is liable to pay compensation. If at all, the policy is fake, the appellant ought to have taken steps much earlier, since the accident was happened in the year 2016 and nearly about 8 years later, they have taken steps to prove that it is a fake policy. On a bare perusal of Ex.R5, there is a seal of insurance company along with the signature of authorised officer. If the appellant insurance company is disputing the policy is fake, they ought to have taken steps to send the policy for obtaining expert opinion, but no steps taken, without which the Court is unable to conclude that it is a fake policy. Therefore, the findings rendered by the Tribunal is sustainable one, which needs no interference. Accordingly, this Civil Miscellaneous Appeal is dismissed as no merit. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

04-06-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1. Special Sub-Court No.1, Motor Accident Claims Tribunal, Small Causes Court, Chennai.

2. Section Officer, VR Section, Madras High Court.

T.V.THAMILSELVI J.

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