



C.M.A(MD)No.766 to 768 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

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THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

C.M.A(MD)Nos.766 to 768 of 2019

and

C.M.P(MD)Nos.9902, 9904 and 9908 of 2019

C.M.A(MD)No.766 of 2019

M/s.United India Insurance Co., Ltd.,
Represented by its Branch Manager,
No.50, VTN Arihant Residency,
North Usman Road, T.Nagar,
Chennai.

... Appellant/3rd Respondent

-Vs-

1.Mr.Packiyaraj(Died)

...Respondent/Claimant

2.Mr.Jothi Kannan

...Respondent/1st Respondent

3.Mr.Mariappan

...Respondent/2nd Respondent

4.Mallika

5.Paul Manickam

6.Suresh

7.Anburaj

8.Chithiraikumar



C.M.A(MD)No.766 to 768 of 2019

(R4 to R8 are brought on record as Lrs of the deceased respondent vide order dated 13.08.2024 in C.M.P(MD)No. 10550 to 10552 of 2024)

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Award dated 01.12.2018 made in MCOP.No.172 of 2017 on the file of the Motor Accident Claims Tribunal /Chief Judicial Magistrate Court, Tirunelveli.

For Appellant	: Mr.B.Rajesh Saravanan
R1	: Died
For R2 to R8	: No appearance

C.M.A(MD)No.767 of 2017

M/s.United India Insurance Co., Ltd.,
Represented by its Branch Manager,
No.50, VTN Arihant Residency,
North Usman Road, T.Nagar,
Chennai.

... Appellant/3rd Respondent

-Vs-

1.Mr.Selvaraj

...Respondent/Claimant

2.Mr.Jothi Kannan

...Respondent/1st
Respondent



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3.Mr.Mariappan

...Respondent/2nd
Respondent

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Award dated 01.12.2018 made in MCOP.No.173 of 2017 on the file of the Motor Accident Claims Tribunal /Chief Judicial Magistrate Court, Tirunelveli.

For Appellant	: Mr.B.Rajesh Saravanan
For R1	: Mr.S.Suresh Manickam for Mr.R.J.karthick
For R2 & R3	: No appearance

C.M.A(MD)No.768 of 2019

M/s.United India Insurance Co., Ltd.,
Represented by its Branch Manager,
No.50, VTN Arihant Residency,
North Usman Road, T.Nagar,
Chennai.

... Appellant/3rd Respondent

-Vs-

1.Mr.Nagaraj

...Respondent/Claimant

2.Mr.Jothi Kannan

...Respondent/1st
Respondent

3.Mr.Mariappan

...Respondent/2nd
Respondent



C.M.A(MD)No.766 to 768 of 2019

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PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Award dated 01.12.2018 made in MCOP.No.174 of 2017 on the file of the Motor Accident Claims Tribunal /Chief Judicial Magistrate Court, Tirunelveli.

For Appellant : Mr.B.Rajesh Saravanan
For R1 to R3 : No appearance

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been preferred by the United Insurance Company/Second respondent against the Award dated 01.12.2018 made in MCOP No.172, 173 and 174 of 2017 by the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Tirunelveli, on the liability issue.

2.Heard the arguments of the learned counsel for the appellant and the learned counsel for the respondents/claimants.



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3.Upon consideration of oral and documentary evidences and after hearing the arguments advanced by either side, the Tribunal fastened the liability upon the Insurance Company and ordered to pay compensation by the Insurance Company herein.

4.The learned counsel for the appellant would vehemently contend that the Tribunal had failed to consider the insured had not insured occupants of the vehicle. He would further contend that as no premium is paid for occupants of vehicle then the Insurance Company is not liable to pay compensation. With regard to this aspect, on the side of the Insurance Company(second respondent), the staff of Insurance Company has been examined (R.W.1-Ashokkumar): he would state that Ex.R.1-Policy is liability only Policy and no premium was paid for the occupants of the car and there is no policy coverage for the occupants of the car. Therefore, the Insurance Company is not liable to pay compensation to the claimants herein.



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5.Ex.R.1 is the copy of the Insurance Policy. It is liability only policy. On a careful perusal of schedule of premium wherein personal accident cover for unnamed persons, a sum of Rs.200/- is collected. The unnamed persons can be construed as occupants of the car.

6. There are three claimants (injury cases) in MCOP No.172 of 2017, a sum of Rs.3,47,000/- is ordered for compensation: in MCOP No.173 of 2017 a sum of Rs.2,27,000/- is ordered and in MCOP No.174 of 2017, a sum of Rs.92,500/- was awarded as compensation. In all, the total compensation awarded is Rs.6,68,500/-.

7. As regards the limits of liability in the schedule of policy, it has been mentioned that one claim or series of claim arising out of one event, the coverage is Rs.7,50,000/-.



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8.The Tribunal has fastened the liability on the Insurance Company as the amount of Rs.200/- was collected for P.A for unnamed persons. Though the policy is liability only policy, as the premium is paid for unnamed persons and the coverage is to the tune of Rs.7,50,000/ and all the three claimants put together is Rs. 7,50,000/- and the stand of the Insurance Company that occupants of the car are not covered in the act policy, is untenable. This Court does not find any good reasons to disturb the findings as regards the liability issue by the Tribunal.

9.Based on the aforesaid observations and discussions, these Civil Miscellaneous appeals stand dismissed.

10.The appellant/Insurance Company is directed to deposit the total compensation amount of Rs.6,68,500/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the



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credit of MCOP No.172, 173 and 174 of 2017 on the file of Motor Accident Claims Tribunal/Chief Judicial Magistrate, Tirunelveli, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

11.On such deposit being made, the claimants are permitted to withdraw the amount as ordered by the Tribunal along with interest and costs, less the amount already withdrawn, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

27.02.2025

NCC:Yes/No

Index:Yes/No

Internet::Yes/No

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To

1.The Motor Accident Claims Tribunal
(Chief Judicial magistrate Court),
Tirunelveli.



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C.M.A(MD)No.766 to 768 of 2019

R. KALAIMATHI,J.

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C.M.A(MD)Nos.766 to 768 of 2019
and
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27.02.2025