

C.R.P(MD).No.1674 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1674 of 2025 and
CMP(MD).No.8885 of 2025

The United India Insurance Co., Ltd.,
No.39, Gandhiji Road,
LIC Divisional Office Building,
Jeevan Prakash Building,
Ground Floor, Thanjavur.

...Petitioner

Vs.

1. M. Sunil Kumar Jha
2. A. Chitra

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Judgment and Decree, dated 29.10.2024 passed in MCOP.No.1007 of 2023 on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Thanjavur.

For Petitioner : Mr.Robert Chandra Kumar



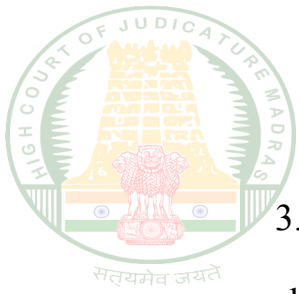
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ORDER

This revision petition has been filed challenging the judgment and Decree, dated 29.10.2024 passed in MCOP.No.1007 of 2023 on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Thanjavur.

2. The petitioner is the insurance company and the second respondent is the owner of the vehicle. The case of the first respondent/claimant is that after finishing work, he along with three other persons were walking towards residence, at that time, the driver of the second respondent had driven the vehicle viz., Mahendira Scorpio Car bearing Registration No.TN 38 CP 6589 in a rash and negligent manner and dashed against them, thereby the first respondent/claimant sustained grievous injury. The said vehicle was insured with the petitioner herein. In this regard, an FIR in Crime No.75 of 2023 was registered for the offences under Sections 279 and 337 of IPC. Thereafter, the first respondent filed a claim petition before the Motor Accident claims Tribunal/Special Subordinate Court, Thanjavur, seeking compensation of Rs.10,00,000/- (Rupees Ten Lakhs only).



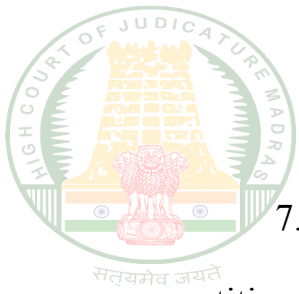
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3. Before the claims tribunal, on behalf of the first respondent/claimant, he himself was examined as P.W.1 and marked Ex.P.1 to Ex.P6. On behalf of the petitioner/insurance company, the Sub-Inspector of Police was examined as R.W.1 and marked Ex.R.1 to Ex.R.3.

4. After completion of trial, the claims tribunal has directed the petitioner to pay a sum of Rs.35,000/- as compensation to the claimant and recover the same from the second respondent along with interest. Challenging the liability fixed by the claims tribunal, this petition is filed.

5. The learned counsel for the petitioner submitted that though the trial Court ordered pay and recovery, the driver, who had driven the vehicle, did not possess the valid driving license at the time of occurrence, which fact was proved before the claims tribunal by examining R.W.1 and marked Ex.R2. Even then the trial Court instead of fixing the liability as against the owner of the vehicle, fixing the liability as against the insurance company, which is not sustainable one. Accordingly, he prayed for allowing this revision petition.

6. Heard both sides and perused the materials available on record.



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7. The fact in the present case is not in dispute. Admittedly, the petitioner's insured vehicle driven by the driver of the second respondent dashed against the pedestrian, by which, the pedestrian sustained injury and filed a claim petition seeking compensation of Rs.10,00,000/-. The claims tribunal awarded a sum of Rs.35,000/- as compensation.

8. On the side of the petitioner/ insurance company R.W.1 was examined and documents were marked. The claims tribunal fixed the liability as against the owner of the vehicle including the petitioner/ insurance company by considering the MVI report and evidence of RW1. The Tribunal has ordered only for pay and recovery. Such a liability fixed by the tribunal need not be interfered with. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.06.2025

NCC:Yes/No

Index:Yes/No

Rmk

To:-

1. The Motor Accidents Claims Tribunal (Special Sub Court), Thanjavur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

Rmk

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