



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2015

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.M.A. (MD) No.929 of 2015
and
M.P. (MD) No.2 of 2015

National Insurance Company Limited
Sekkalai Road
Karaikudi, Sivagangai District
rep.by its Branch Manager

... Appellant / 3rd Respondent

-VS-

1.Panandhan	... 1 st Respondent / 1 st Petitioner
2.Karuppiyah	... 2 nd Respondent / 2 nd Petitioner
3.Subramani	... 3 rd Respondent / 3 rd Petitioner
4.Chellappan	... 4 th Respondent / 4 th Petitioner
5.Karuppayee	... 5 th Respondent / 5 th Petitioner
6.Jeya	... 6 th Respondent / 6 th Petitioner
7.Muthulakshmi	... 7 th Respondent / 7 th Petitioner
8.Deivanai Petitioner	... 8 th Respondent / 8 th
9.Dharmalingam	... 9 th Respondent / 1 st Respondent
10.D.Muthuraman	... 10 th Respondent / 2 nd Respondent

PRAYER: Appeal is filed under Section 173 of the Motor Vehicle Act, 1988, to set aside the Judgment and Decree passed by the Motor Accident Claims Tribunal, Sub Court, Devakottai, in M.C.O.P.No.91 of 2009, dated 01.11.2011.

For Appellant : Mr.D.Sivaraman

For Respondents : Mr.A.L.Kannan for R1 to R8



motorcycle,

motorcycle,

motorcycle,

motorcycle,

motorcycle,

motorcycle,

motorcycle,



disposed of in the aforesaid terms, with no order as to costs."

7. The principle behind this 'pay and recover' is to see that the injured or the dependents of the deceased in a road accident should not be allowed to go in high and dry with a paper (award) decree in their hands. On the other hand, while directing the Insurer to pay the compensation, it is to see that the Insurance Company shall not suffer so enabling it to recover the amount from the vehicle owner.

8. In the circumstances, the appellant will deposit the entire award amount including the costs and interest, to the credit of M.C.O.P.No.91 of 2009, on the file of the Motor Accident Claims Tribunal / Sub Court, Devakottai, within four weeks from the date of receipt of a copy of this Judgment, less amount, if any already deposited. On such deposit, the appellant is entitled to proceed in execution as against the vehicle owner, without filing a separate suit. The appellant will have all the remedies available under Order XXI C.P.C. It can also seek remedy as against the offending vehicle. On the request of the Company, the concerned Regional Transport Officer shall render necessary assistance. The claimants shall be paid the entire amount, as per the allocation of the amount, less amount, if any already received.

9. Accordingly, this civil miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

krk

To:

1.The District Judge,
Sivagangai.

2.The Motor Accident Claims Tribunal,
(Subordinate Judge)
Devakottai.

+1CC to Mr.A.L.Kannan Advocate Sr.No.58695

+1CC to Mr.D.Sivaraman Advocate Sr.No.58676

CSL/KBM/SARI-6.11.2015-3P-5C

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