



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Second day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMA(MD) No.1152 of 2015

M/s.United India Insurance Company Limited,
Having its Branch Office at
12, A Kovai Road,
PLA Building 2nd Floor,
Karur 629 002. .. Appellant/2nd Respondent

Vs.

1.V.Parthiban ..1st Respondent/1st Petitioner
2.P.Veerayee ..2nd Respondent/2nd Petitioner
3.Raja Mohamedu ... 3rd Respondent/1st Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment passed in M.C.O.P.NO. 1429 of 2010 dated 25.09.2014 on the file of the Motor Accident Claims Tribunal cum I Additional District Court, Madurai.

DECREE : This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr.A.S.Mathialagan, Advocate for Appellant, and the respondents not appeared either in person or through their counsel, and this Court while allowing the appeal doth order and decree as follows:

1. that the Judgment and Decree dated 25/09/2014 passed in M.C.O.P.NO.1429/2010 on the file of the learned I Additional District Judge, Motor Accidents Claims Tribunal, Madurai be and hereby are modified and Civil Miscellaneous Appeal is partly allowed.

2. that the Appellant Insurance Company is liable to pay the enhanced compensation of Rs.5,00,000/- (Rupees Five Lakhs).

3 that the Appellant Insurance Company is permitted to recover the award amount for the owner of the vehicle as per the mode incorporated in Shri.Nanjappan's case. (2004 ACC 524(SC)).

4. that the respondents/Claimants are permitted to withdraw the entire award amount with accrued interest by filing necessary permission petition.



5. that there be no costs in this Civil Miscellaneous Appeal.

sd/-
Assistant Registrar

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)

To,

The I Additional District Court,
Motor Accident Claims Tribunal,
Madurai.

Copy To : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.A.S.Mathialagan, Advocate Sr.No.78753

GJM/CM/MSA/24.2.17-2p-4C

DECREE
IN
CMA(MD) No.1152 of 2015
Date :02/12/2016

Nature of the DECREE : Partly Allowing be
CMA preferred against I Additional
District Court, Motor Accident Claims
Tribunal, Madurai in M.C.O.P.No.1429/2010
dated 25.09.2014.