



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

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

CMA(MD) No.1225 of 2014

THE BRANCH MANAGER,  
THE ORIENTAL INSURANCE COMPANY LIMITED,  
THENI. ... APPELLANT/2<sup>nd</sup> RESPONDENT

Vs

1.MARIAMMAL, ...1<sup>st</sup> Respondent/Petitioner  
2.S.MARIARATHINAM, ...2<sup>nd</sup> Respondent/1<sup>st</sup> Respondent  
3.M.ELIZABETH,  
(2<sup>nd</sup> & 3 REMAIND EX-PARTE  
BEFORE THE LOWER COURT) ...3<sup>rd</sup> Respondent/3<sup>rd</sup> Respondent

4.THE BRANCH MANAGER,  
NATIONALINSURANCE COMPANY LIMITED,  
KOVILPATTI. ... 4<sup>th</sup> RESPONDENT/4<sup>th</sup> RESPONDENT

This Civil Miscellaneous Appeal has been filed under section 173 of the Motor Vehicles Act, 1988, against the award dated 22.02.2012 made in M.C.O.P.No.77 of 2009, on the file of the Motor Accident Claims Tribunal cum Sub Judge, Sivakasi.

Decree:This Appeal coming on for hearing on this day.

Upon perusing the Grounds of Appeal, the judgment and Decrees of the Lower Court and the material papers in the Appeal and upon hearing the arguments of MR.K.BHASKARAN, Advocate for the Appellant and MR.J.S.MURALI, Advocate for Respondent No.4 and none appeared on behalf of the Respondents 1 to 3, this Court while dismissing this Appeal, doth order and decree as follows:

1.that the order and decree dated 22.02.2012 made in M.C.O.P.No.77 of 2009, on the file of the Motor Accidents Claims Tribunal cum Sub Judge, Sivakasi be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

2.that the appellant be and hereby is directed to deposit the entire award amount with accrued interest and on such deposit, the 1<sup>st</sup> respondent/claimant be and hereby is permitted to withdraw the entire amount with accrued interest forthwith, by filing necessary application before the trial Court;

3.that the appellant Insurance Company be and hereby is at liberty to recover the award amount from the owner of the vehicle 2<sup>nd</sup> respondent by filing appropriate proceedings before the Executing Court;and



4.that there be no order as to costs in this Civil Miscellaneous Appeal.

sd/-

Assistant Registrar(Co)

/ TRUE COPY /

Sub-Assistant Registrar

WEB COPY

TO

- 1.THE MOTOR ACCIDENT CLAIMS TRIBUNAL CUM SUBORDINATE JUDGE,  
SIVAKASI
- 2.THE SECTION OFFICER, VERNACULAR RECORDS,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1cc to MR.K.Bhaskaran, Advocate, SR.No:65523

+1cc to Mr.J.S.Murali, Advocate, SR.No:65616

AE/PM PN/17.02.2017/2P/5C

ORDER DATED :03/11/2016

D E C R E E

CMA(MD) No.1225 of 2014

Nature of the Decree:-

Dismissing this Civil  
Miscellaneous Appeal etc.,  
as stated within.