



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Thursday, the Third day of November two thousand sixteen
PRESENT

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.269 of 2015

WEB COPY

THE ORIENTAL INSURANCE COMPANY LTD.,
REP.BY ITS MANAGER,
THENI TALUK, THENI DISTRICT. .. Appellant /1st Respondent

-Vs-

1.SAKTHIVEL .. 1st Respondent/ Petitioner
2.K.RAJKUMAR ..2nd Respondent/2nd Respondent
3.B.LAKSHMANAKUMAR .. 3rd Respondent/3rd Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award made in M.C.O.P.No. 64/2010, dated 16.07.2012, on the file of the Motor Accidents Claims Tribunal cum Sub Judge, Periyakulam.

Decree:- This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the award of the Tribunal below and material records relating to the case and upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the Appellant and Respondents not appearing in person or by an Advocate, while allowing the appeal in part and in modification of the award of the Tribunal by directing the Appellant herein/ Insurance Company to pay and recover it from the owner of the vehicle and taking into consideration that the appellant herein/ Insurance Company represents that the entire award amount has already been deposited before the Tribunal below, doth order and decree as follows;

1.That the appellant herein / Insurance Company be and hereby is directed to pay a sum of Rs.1,35,000/- (Rupees one lakh thirty five thousand only) with accrued interest at the rate of 9% interest and cost; thereafter, recover it from the second repondent herein / owner of the vehicle in consonance with the settled position of law; (2004) 13 sec 224;

2.That on such deposit being made, the first respondent herein /claimant be and hereby is permitted to withdraw the entire award amount with accrued interest by filing a formal application before the Tribunal below; and



3. That there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal cum Sub Judge,
Periyakulam.

+1cc to Mr.K.Bhaskaran, Advocate in SR No.65527/16

Copy to :-

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

DATED : 03.11.2016

DECREE

C.M.A(MD)No.269 of 2015

Nature of Decree :

Allowing the appeal in part against the award made in MCOP.No.64/2010 dated 16.07.2012 by the Motor Accidents Claims Tribunal cum Subordinate Judge, Periyakulam as stated within.

anr/ss3/19.01.2017/2p/4c