



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

Wednesday, the Thirtieth day of November Two Thousand Sixteen

PRESENT

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

CMA(MD) No.583 of 2014

The Oriental Insurance Company Limited,
6-A, North Cotton Road,
Thoothukudi.

... Appellant/3rd Respondent

vs.

1)Prabakaran .. 1st Respondent/Petitioner
2)G.Vivekanandan .. 2nd Respondent/1st Respondent
(2nd respondent remained exparte before the lower court)

3)National Insurance Company Limited,
75-A, Great Cotton Road,
Thoothukudi.

... 3rd Respondent/2nd Respondent

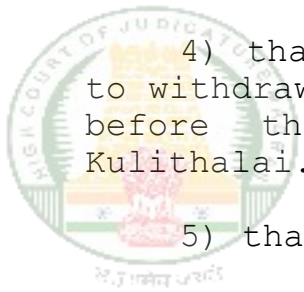
Civil Miscellaneous Appeal is filed under Section 173 of Motor Accident Vehicles Act, 1988, against the Decree and Judgment of the Motor Accident Claims Tribunal-Cum- Subordinate Judge, Kulithalai dated 17.12.2013 made in M.C.O.P.No.296 of 2007.

DECREE : This Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and material papers relating to the case and upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the Appellant, and Mr.N.Sudhagar Nagaraj, Advocate for Respondent No.1 and Mr.D.Sivaraman, Advocate for the Respondent No.3 this Court doth the decree and order as follows :-

1) that the award of compensation passed by the Motor Accident Claims Tribunal-Cum- Sub Judge, Kulithalai, dated 17.12.2013 made in M.C.O.P.No.296/2007, be and is hereby confirmed and the Civil Miscellaneous Appeal is dismissed.

2) that the Appellant Insurance Company, be and is hereby permitted to recover the award amount from the owner of the vehicle as per the mode stated in *Nanjappan's* case(supra).

3) that the Appellant Insurance Company, be and hereby directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment.



4) that on Such deposit, the respondent/claimant, is permitted to withdraw the same, through RTGS, by filing necessary applications before the Motor Accidents Claims Tribunal -Cum-Sub Judge, Kulithalai.

5) that there is no costs in the Appeal.

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/ TRUE COPY /

sd/-

Assistant Registrar (CS-II)

Sub-Assistant Registrar (C.S.)

To
The Subordinate Judge cum
Motor Accident Claims Tribunal,
Kulithalai.

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

+1CC to Mr.K.Bhaskaran, Advocate Sr.No.74845
+1CC to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.78336
+1CC to Mr.D.Sivaraman, Advocate Sr.No.74533

GJM/PV/9.1.17-2p-6C

DECREE

IN

CMA(MD) No.583 of 2014

Date :30/11/2016

Nature of the DECREE : Dismissing
the Appeal against the award passed
by the Motor Accident Claims
Tribunal -Cum-Sub Judge, Kulithalai,
dated 17.12.2013, made in
M.C.O.P.No.296 of 2007 etc.,