



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

Friday, the Fourth day of November Two Thousand Sixteen

PRESENT

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

CMA(MD) No.471 of 2016

The Divisional Manager,  
The New India Assurance Company Limited,  
66, Mela Puliward Road,  
Trichy - 8.

... Appellant/2<sup>nd</sup> Respondent

Vs.

1.V.Appavu  
Petitioner

... 1<sup>st</sup> Respondent/ 1<sup>st</sup>

2.A.Lakshmi

... 2<sup>nd</sup> Respondent/2<sup>nd</sup> Petitioner

3.N.Govindammal

... 3<sup>rd</sup> Respondent/1<sup>st</sup> Respondent

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 16.10.2015 made in M.C.O.P.No.5031 of 2013 by the Motor Accident Claims Tribunal - Special District Judge, Trichy.

DECREE : This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the Grounds of Appeal the Judgment and Decrees of the Lower Appellate Court and the Court of First instance and the material papers in the Appeal and upon hearing the arguments of Mr.A.Ilango, Advocate appearing for the Appellant, and Mr.N.Sudhagar Nagaraj, Advocate appearing for the first and Second Respondent and Mr.R.Narayanan, Advocate appearing for the Third Respondent, while this Court Dismissing the Civil Miscellaneous Appeal doth order and Decree as follows :

i) that the Judgment and Decree dated 16.10.2015 made in M.C.O.P.No.5031 of 2013 by the Motor Accident Claims Tribunal-Special District Judge, Trichy in be and hereby in confirmed and the Civil Miscellaneous Appeal is dismissed.

ii) that the claimant/Respondents 1 and 2 herein in be are be and hereby is permitted to withdraw the award amounts forthwith.

iii) that the Appellant/Insurance Company herein is be and hereby is at liberty to recover the award amount from the insured as per the law laid down by the Honourable Supreme Court in Nanjappan's Case (2004) 13 SCC 224.



iv) that there be no costs in this Civil Miscellaneous Appeal.

sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

WEB COPY

To

The Motor Accident Claims Tribunal -  
Special District Judge, Trichy.

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

+1CC to Mr.R.Narayanan, Advocate Sr.No.65863

+1CC to Mr.A.Ilango, Advocate Sr.No.65761

+1CC to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.65760

GJM/PV/20.12.16-2p-6c

DECREE

IN

CMA(MD) No.471 of 2016

Date :04/11/2016

Nature of DECREE : While  
Dismissing the Civil  
Miscellaneous Appeal preferred  
against the Judgment and Decree  
dated 16.10.2015 made in  
M.C.O.P.No.5031 of 2013 by the  
Motor Accident Claims Tribunal  
Special District Judge, Trichy,  
as stated within etc.,