



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.472 of 2016

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

... Appellant/2nd Respondent

Vs.

1.G.Dharmarajan

... 1st Respondent/1st Petitioner

2.N.Govindammal

... 2nd Respondent/1st 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.1921 of 2014 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 of Mr.N.Sudhagar Nagaraj, Advocate appearing for the first Respondent and Mr.R.Narayanan, Advocate appearing for the Second Respondent, while dismissing the Appeal doth order and Decree as follows :

i) that the Judgment and Decree dated 16.10.2015 made in M.C.O.P.No.1921 of 2014 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/Respondent herein in be and hereby is permitted to withdraw the award amount forthwith.

iii) that the Appellant/Insurance Company herein is be and hereby in 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 /



TO

To

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

WEB COPY

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

GJM/pv/20.12.16-2p-3c

DECREE

IN

CMA(MD) No.472 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.1921 of 2014 by the
Motor Accident Claims Tribunal
Special District Judge, Trichy,
as stated within etc.,