



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Tuesday, the Ninth day of August Two thousand sixteen
PRESENT

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.M.A(MD) No.1681 of 2013

WEB COPY

The Branch Manager,
National Insurance Company Limited,
Angu Vilas Building,
North Car Street,
Nagercoil-629 001.

: Appellant/2nd respondent

Vs

1.Murugesan : 1st respondent/Petitioner

2.S.Celestine Theras : 2nd respondent/1st respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the order and decree made in MCOP No.142 of 2012, dated 18.04.2013 by the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.

Decree : This Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court, and material papers relating to this Appeal and upon hearing the arguments of Mr.J.S.Murali, Advocate for the Appellant and Mr.V.Sasikumar, Advocate for the 1st respondent and the second respondent not appeared either in person or by an Advocate, this court doth order and decree as follows;

1.That the appellant herein/Insurance Company be and hereby is directed to deposit the entire amount together with interest within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited and the Civil Miscellaneous Appeal is dismissed;

2.That on such deposit being made, the claimant be and hereby is permitted to withdraw the entire amount without filing any formal petition before the Tribunal;

3.That the Appellant herein/Insurance Company be and hereby is at liberty to recover the award amount from the insured as per the law laid down by the Hon'ble Supreme Court in the case of Oriental Insurance Company Ltd. Vs. Nanjappan and others reported in (2004) 13 SCC 224; and



4. That there be and hereby no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Tirunelveli.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.S.Murali, Advocate in SR No.43205

DATED : 09.08.2016

DECREE

CMA(MD) No.1681 of 2013

Nature of Decree :
Dismissing the Civil Miscellaneous Appeal filed against the judgment and decree made in MCOP No.142/2012 dated 18.04.2013 by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tirunelveli and etc. as stated sithin.

anr/mpa/20.01.2017/2p/4c