



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Friday, the First day of July Two Thousand and Sixteen

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) No.1845 of 2013

The Oriental Insurance Company Limited,
Rep. By its Branch Manager,
Old No.119, New No.145, Sekkalai Road,
Sathiyamoorthy Illam, Karaikudi Nagar,
Sivagangai District.

:Appellant/2nd respondent

Vs.

1.Marriammal
2.Minor Ambika
3.Minor Arthy
4.Minor Mayakkannan
(Minors 2nd to 4th respondents rep.by
their guardian and mother
Marriammal 1st Respondent)
5.Pitchaiammal

:R1 to R5/Petitioners 1 to 5

6.Karmegam
[6th respondent remained exparte
before the lower court]

:6th respondent/1st respondent

7.The Cholamandala General Insurance Company,
Rep. By its Branch Manager,
Dara House, 2nd Floor,
N.S.C.Road, Chennai Big City.

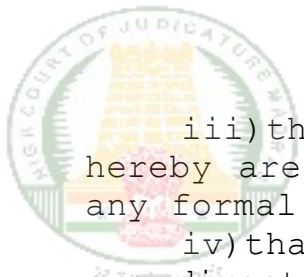
:7th respondent/3rd respondent

Civil Miscellaneous Appeal against the order of the Motor
Accidents Claims Tribunal-cum-Sub Court, Paramakudi dated
19.11.2012 and made in MCOP No.25 of 2009.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on
this day and upon perusing the grounds of appeal, the order of the
lower court, and the material papers relating to this case and
upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the
appellant and of Mr.Deepak, Advocate for the 6th respondent and the
respondents 1 to 5 and 7 not appearing in person or by an Advocate
and this court while dismissing this appeal doth order and decree
as follows:-

i)that the award of the Motor Accidents Claims Tribunal-cum-
Sub Court, Paramakudi made in MCOP No.25 of 2009 dated 19.11.2012
be and hereby is confirmed and the appeal is dismissed.

ii)that the appellant/Insurance company herein be and hereby
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;



iii)that on such deposit, the claimants 1 and 5 herein be and hereby are permitted to withdraw the entire amount without filing any formal petition before the Tribunal.

iv)that the shares of the minor claimants herein be and hereby are directed to be deposited in the Bank as per the order of the tribunal.

v)that the appellant/Insurance company herein is at liberty to recover the award amount from the owner of the vehicle as per the direction of the Tribunal, by following the mode in Nanjappan's case [(2004)13 SCC 224];

vi)that there be no costs in this appeal.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS)

To

The Motor Accidents Claims Tribunal cum Subordinate Judge,
Paramakudi.

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

+1cc to Mr.K.Bhaskaran, Advocate in SR.34470

ORDER DATED : 01.07.2016

DECREE

CMA(MD)No.1845 of 2013

Nature of Decree: Dismissing this appeal preferred against the award of the Motor Accidents Claims Tribunal cum Sub Court, Paramakudi made in MCOP.No.25/2009 dated 19.11.2012 etc., as stated within.

PBK/GSV-PM 15.12.2016 ::2P-4C: