



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

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

CMA(MD) No.1886 of 2013

Oriental Insurance Company Limited,
Represented through its Branch Manager,
Theni Nagar,
Theni District.

... Appellant/Respondent No.2

vs.

1)T.Singaraj ...1st Respondent/Petitioner
2)Chellapackianathan ... 2nd Respondent/1st Respondent
(Respondent NO.2 given up in Appeal)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988, against the judgment and decree dated 16.10.2012 in MCOP.No.28 of 2010 on the file of the Motor Accident Claims Tribunal, Sub Judge, Theni.

DECREE : This Civil Miscellaneous Appeal is coming on for orders on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in these Appeals and upon hearing the arguments of Mr.C.Jawahar Ravindran, Advocate for the Appellant and Mr.D.Sadiq Raja, Advocate for the 1st Respondent, and 2nd respondent not appeared in person or by an Advocate and this Court while disposing of this Civil Miscellaneous Appeal doth order and decree as follows ;

1) that the award dated 16.10.2012 in MCOP.No.28 of 2010 passed by the Motor Accident Claims Tribunal, Sub Judge, Theni be and hereby modified to the extent that the appellant Insurance company shall pay compensation to the 1st respondent/Claimant at the first instance and thereafter, the appellant is at liberty to recover the award amount as per the mode stated in Nanjappan's Case (supra)

2)that the award of the Tribunal in respect of negligence and quantum, be and hereby is confirmed.

3. that the appellant/Insurance Company be and hereby is 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 this Judgment.

4) that on such deposit, the 1st respondent/Claimant be and hereby is permitted to withdraw the same, through RTGS, by filing necessary applications before the Tribunal.



7. that there be no costs in this Civil Miscellaneous Appeal.

sd/-

Assistant Registrar (CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

WEB COPY

TO

The Subordinate Judge, Motor Accident Claims Tribunal,
Theni.

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

+1CC to Mr.D.Sadiq Raja, Advocate Sr.No.71930

GJM/MR/VB/SAR-2-2.2.17-2p-4C

DECREE

IN

CMA(MD) No.1886 of 2013

Date :22/11/2016

Disposing the appeal preferred against the Judgment and decree passed M.C.O.P.No.28 of 2010 dated 16.10.2012 on the file of the Motor Accident Claims Tribunal, Sub Judge, Theni, and etc., as stated within.