



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

Thursday, the Tenth day of November Two Thousand Sixteen

PRESENT

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

CMA(MD) No.2029 of 2013

M/s.Bajaj Allianz General Insurance Company Limited,
through its Manager,
K.M.A. Complex, Second Floor,
12-G, Ram Nagar, Bye-Pass Road,
Madurai - 10.

.. Appellant/2nd Respondent

-Vs-

1.D.Kannammal

2.Minor A.K.Shree

(Minor 2nd respondent is represented through
his mother and natural guardian, the 1st respondent)

...1st & 2nd Respondents/Petitioners

3.K.Muthusamy

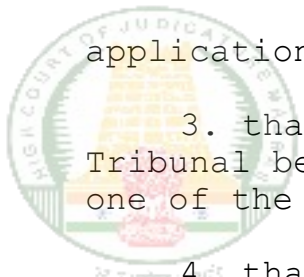
...3rd Respondents/1st Respondent

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 17.10.2012, made in M.C.O.P.No.681 of 2008, on the file of the Motor Accident Claims Tribunal, (District and Sessions Court, Communal clash cases Court), Madurai.

This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of appeal, the order of the lower Court and the material papers in this appeal and upon hearing the arguments of Mr.J.S.MURALI, Advocate for the appellant and MR.C.GODWIN, Advocate for respondents 1 and 2, while disposing of the appeal, this Court doth order and decree as follows;-

1. that the award and decree 17.10.2012 made in M.C.O.P.No.681 of 2008 on the file of the Motor Accident Claims Tribunal, (District and Sessions Court, Communal clash cases Court), Madurai be and are hereby modified to the extent that the appellant insurance Company be an is hereby permitted to recover the award amount from the owner of the vehicle as per the dicision of Supreme Court reported in (2004) 13 SCC 224 in the case of Oriental insurance Co.Ltd., Vs.Nanjappan;

2. that the respondents 1 and 2 claimants be and are hereby permitted to withdraw their respective shares of the award amount as per the ratio fixed by the Tribunal; by making necessary



applications before the Tribunal;

3. that insofar as the minor claimants share is concerned , the Tribunal be and is hereby directed to deposit the said amount in any one of the nationalised Bank till the minor attains majority;

4. that the 1st respondent/guardian of the minor/2nd respondent be and is hereby permitted to withdraw the interest of the minor's share once in three months directly from the Bank;

5. there be no costs in this appeal.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal,
District and Sessions Court,
Communal clash cases Court, Madurai.

Copy to:
The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai

+1 cc to M/S.J.S.MURALI, Advocate SR.NO.67805
+1 cc to MR.C.GODWIN, Advocate SR.No.67616

DECREE

CMA(MD) No.2029 of 2013
Date :10/11/2016

Nature of the Decree:
Disposing of the CMA
preferred against the
Judgment and decree dated
17.10.2012 made in
M.C.O.P.No.681 of 2008 on
the file of the Motor
Accident Claims Tribunal,
(District and Sessions
Court, Communal Clash Cases
Court), Madurai.

SMA/PV/SAR-1/08.12.2016:2P/5C