



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

FRIDAY, THE TWENTY FOURTH DAY OF MARCH, TWO THOUSAND AND SEVENTEEN

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

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CIVIL MISCELLANEOUS APPEAL (MD) No.260 of 2017

The Branch Manager,
Oriental Insurance Company Limited,
Madurai.

..Appellant/Respondent No.2

vs.

1.Kesavan

..1st Respondent/Petitioner

2.M.Kathiresan

..2nd Respondent/Respondent No.1

Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgment and decree of the principal Subordinate Judge, Motor accident claims Tribunal, Dindigul dated 18.07.2012 made in M.C.O.P.No.329 of 2007

This Appeal coming on for hearing on this day; upon perusing the grounds of the Appeal, the Judgment of the Lower court and the material papers available in this case and upon hearing the arguments of Mr.C.Jawahar Ravindran, Advocate for the Appellant and of Mr.G.Gomathi Sankar, Advocate for the First Respondent and the Second Respondent not appearing either in person or by Advocate, this Court doth order and decree as follows:

(i) That the Judgment and Decree dated 18.07.2012 made in MCOP.No.329 of 2007 on the file of the Principal Subordinate Judge, The Motor Accidents claims Tribunal Dindigul be and hereby is confirmed and the Civil Miscellaneous Appeal is dismissed;

(ii) That the Appellant/Insurance Company be and hereby is directed to pay the amount awarded by the Tribunal below at the first instance and recover the amount paid from the owner of the vehicle/Second respondent by way of filing Execution Petition before the Tribunal below; without actually filing a suit as held by the Hon'ble Apex Court in the Judgment reported in 2004(2) CTC 464 (Oriental Insurance Company Ltd-VI) Shri Nanjappan and other.

(iii) That the Appellant/Insurance Company be and hereby is directed to deposit the entire award amount to the credit of the MCOP No.329 of 2007 on the file of the Tribunal below within a period of eight weeks from the date of receipt of a copy of this order;

<https://hcservices.ecourts.gov.in/hcservices/> such deposit being made, the Claimant/1st Respondent is at liberty to withdraw the entire award amount deposited along with accrued interest and costs, without filing any



formal petition seeking and permission.

(v) That there be no costs in the present Appeal.

Sd/-

Assistant Registrar(CO)

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/True copy/

Sub Assistant Registrar

To

1.The Principle Subordinate Judge,
Motor Accident claims Tribunal, Dindigul.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED:24.03.2017

DECREE

C.M.A(MD) No.260 of 2017

Dismissing the Appeal preferred
against the J/D dat.18.7.2012 in
MCOP.No.329/07 on the file of
the Motor Accident Claims Tribunal,
Dindigul and giving directions
etc as stated within.

kk/KP/21.04.2017-2P-3C