



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Seventh day of December Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CMA(MD)No.288 of 2017

The Oriental Insurance Company Limited,
Rep.through its Divisional Manager,
Divisional Office,
Office at Bangur Dharmasala Building,
Opp.to Railway Station,
Madurai - 01

... Appellant/2nd Respondent

Vs.

1.Balamurugan ... 1st respondent/Claimant.

2.A.Ganeshkumar ... 2nd respondent/1st Respondent.

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 27.06.2016 made in MCOP.No.215 of 2011 on the file of the Motor Accident Claims Tribunal cum IV Additional Sub Judge, Madurai.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Court and the material papers in this appeal and upon hearing the arguments of Mr.K.Bhaskaran, Advocate for the Appellant and the Respondents having appeared neither in person nor through their Counsel and this Court while allowing this appeal with modification, doth order and decree as follows:

(1) That, the award dated 27.06.2016 made in MCOP.No.215/2011 by the Motor Accident Claims Tribunal Cum IV Additional Sub Judge, Madurai in respect of the insurer be and hereby is set aside and modified;

(2) That, the Second Respondent herein/Vehicle owner be and hereby is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order;

(3) That, on such deposit the Claimant/1st respondent herein be and hereby is entitled to withdraw the same by filing proper application before the Tribunal;



(4) That, the Appellant/Insurance Company be and hereby is permitted to withdraw their deposited amount;

(5) That this Civil Miscellaneous Appeal be and hereby is allowed;

(6) That there be and hereby no order as to costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The IV Additional Subordinate Judge

Motor Accident Claims Tribunal, Madurai.

Copy to:

The Record Keeper, V.R.Section,

Madurai Bench of Madras High Court, Madurai(2 Copies)

+1CC to Mr.K.Bhaskaran, Advocate, SR.No. 91615

ORDER DATED : 07.12.2017

DECREE

CMA(MD)No.288 of 2017

Allowing this Civil Miscellaneous Appeal with a modification and the award passed by the Motor Accident Claims Tribunal/IV Additional Sub Court, Madurai in MCOP No.215/2011, dated 27.06.2016 is set aside the respect of the Appellant.

KK/SKN RSK/SAR 1/11.04.2018/2P/5C