



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty first day of June Two Thousand and seventeen
PRESENT

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

C.M.A(MD) No.749 of 2011
and
C.M.P(MD) No.4428 of 2017

The United India Insurance Co. Ltd.,
Karur.

...Appellant in C.M.A(MD) No.749 of 2011
and R2 in CROSS OBJ.(MD)No.29 of 2011

vs.

1.Sampath ... R1 in C.M.A(MD) No.749 of 2011
and R2 in CROSS OBJ.(MD)No.29 of 2011

2.Prakash ... R2 in C.M.A(MD) No.749 of 2011
and R3 in CROSS OBJ.(MD)No.29 of 2011

3.Ananth ... R3 in .M.A(MD) No.749 of 2011
and R4 in C.M.P(MD) No.4428 of 2017

4.R.Amudha ... R4 in C.M.A(MD) No.749 of 2011
and Cross Objector in
CROSS OBJ .(MD) No.29 of 2011

5.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division No.II,
Tiruchirappalli. ...Respondent

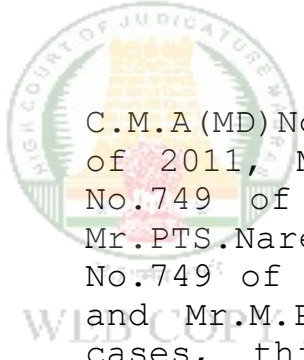
Prayer in CMA(MD).No 749/ 2011 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, 1988 against the award dated 10.12.2010 made in M.C.O.P.No.640 of 2007 on the file of the Motor Accidents Claims Tribunal, District Judge, Karur.

Prayer in CROSS OBJ.(MD)No.29 of 2011:

The Cross Objection filed under order 41 rule 22 of Civil Procedure Code to prefer this cross Objection in C.M.A(MD) No.749 of 2011 against the award dated 10.12.2010 made in M.C.O.P.No.640 of 2007 on the file of the Motor Accidents Claims Tribunal, District Judge No.640 of 2007 on the file of the Motor Accidents Claims Tribunal, District Judge, Karur in notice in C.M.A.No.749 of 2011 served to the Cross Objector on 13.07.2011.

DECREE: These Civil Miscellaneous Appeal and Cross Objection coming on this day and Upon perusing the Grounds of Appeal and Cross Objection, the judgment and Decree of the Lower Court and the material papers relating in this case and upon hearing the arguments Mr.G.Prabhu Rajadurai, Advocate for the Appellant in



C.M.A(MD)No.749 of 2011 and first respondent in CROSS OBJ(MD)No.29 of 2011, Mr.B,Saravanan Advocate for the R1 to R3 in C.M.A(MD) No.749 of 2011 and R2 to R4 in CROSS OBJ.(MD)No.29 of 2011, Mr.PTS.Narendravasan, Advocate for the 4th Respondent in C.M.A.(MD) No.749 of 2011 and Cross Objector in CROSS OBJ.(MD)No.29 of 2011 and Mr.M.Prakash, Advocate for the 5th respondent in both the cases, this Court while allowing the Appeal in part and in modification of the award of the tribunal below, doth order and decree as follows:

1.That the award dated 10.12.2010 made in M.C.O.P.No.640 of 2007 on the file of the Motor Accidents Claims Tribunal, District Judge,Karur be and hereby are modified and the direction to pay and recovery alne be and hereby is set aside and other portions of the award of the Tribunal be and hereby are confirmed and the Cross Objection is Dismissed.

2.That the Insurance Company be and hereby is at liberty to withdraw any compensation amount deposited by it.

3.That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The District Judge, Motor Accidents Claims Tribunal, Karur.

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.G.Prabju Rajadurai,Advocate,SR.61516
+1cc to Mr.B.Saravanan,Advocate,SR.61911
+1cc to Mr.M.Prakash,Advocate,SR. 61258

DATED:21.06.2017

DECREE

C.M.A(MD) No.749 of 2011
and

C.M.P(MD) No.4428 of 2017

Allowing in part the Appeal and dismissing the cross objection preferred against the Decree and Judgment dt 10.012.2010 in MCOP No.640/2007 on the file ofthe Motor Accident Claims Tribunal, district Court, Karur etc as stated within.