



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twelfth day of October Two thousand and Seventeen

PRESENT

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.552 of 2017

The Manager,
United India Insurance Co., Ltd,
280, Ooty Main Road,
Mettupalayam.

... Appellant/2nd Respondent

Vs.

1.Saranya
2.Mallika
3.Nagarajan
4.Minor Srinithi
5.N.Palanisamy

... Respondents

(The Minor Respondent No.4 is represented by its mother and Natural Guardian 1st Respondent. Hence, No Notice is necessary to 4th respondent)

This Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, to set aside the Judgment and decree dated 12.04.2016 and made in M.C.O.P No.462 of 2011 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Karur.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and material papers.

This Appeal coming on for hearing on arguments of Mr.I.Robert Chandrakumar, Advocate for the Appellant herein and Mr.K.Sureshkumar for the Respondents 1 to 4 and 5th Respondent did not appeal either in person or advocate, this Court while allowing this appeal, doth order and decree as follows:

(i)That the Judgment and decree dated 12.04.2016 passed in M.C.O.P.No.462 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Karur against the fifth respondent will stand and be and hereby the same are confirmed.

(ii)That the appellant herein/insurance company be and hereby is alone exonerated.

<https://hcservices.ecourts.gov.in/hcservices/>
(iii)That the award passed by the Tribunal is accordingly modified.



(iv) That it is open to the claimants to proceed against the fifth respondent herein to enforce the award impugned in this appeal.

(v) That there be no cost in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
The Motor Accident Claims Tribunal, Karur.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. K. SURESHKUMAR, Advocate, SR. 82687

+1cc to Mr. G. PRABHU RAJADURAI, Advocate, SR. 82740

DATED: 12.10.2017

DECREE

C.M.A. (MD) No. 552 of 2017

Nature of the Decree: Allowing the Civil Revision Petition against Judgment and decree dated 12.04.2016 passed in M.C.O.P No. 462 of 2011 on the file of the Motor Accident claims Tribunal, Principal District Judge, Karur etc as stated within.

SKM

KK/KP/SAR 1/02.11.2017/ 2P- 5C