



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Fourteenth day of November, Two thousand and seventeen

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.668 of 2017

Bajaj Alliance General Insurance

Company Limited,

2nd Floor, Khadibhawan, 108, TPK Road,

Madurai.

... Appellant/2nd Respondent

Vs.

1.Karumpan

...Respondent/Petitioner

2.R.Selvam

... Respondent/1st Respondent.

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order of the IV Additional Subordinate Judge, Madurai dated 18.04.2016 and made in M.C.O.P. No.668/2011.

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 upon hearing the arguments of Mr.V.Sakthivel, Advocate for the appellant and of Mr.I.Murugesan, Advocate for the first respondent, and the second respondent not appearing either in person or by an advocate this Court while partly allowing this appeal doth order and decree as follows:-

(1) That the award passed by the IV Additional Subordinate Judge, Madurai in M.C.O.P.No.668/2011 dt.18.04.2016 be and is hereby modified.

(2) That the appellant insurance company be and is hereby directed to deposit a sum of Rs.1,09,500/- as awarded by the Tribunal, with interest at the rate of 7.5% per annum, from the date of petition till the date of realization with costs, within a period of eight weeks from the date of receipt of copy of this order.

(3) That the insurance Company be and is hereby permitted to recover the said sum from the vehicle owner, by filing an execution petition in these very proceedings.

(4) That on such deposit, the claimant be and is hereby entitled to withdraw the same, by filing proper applications



before the Tribunal.

(5) That there be no costs in this Civil Miscellaneous Appeal.

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/True Copy/

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar

To

1. The IV Additional Subordinate Judge, Madurai.

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

+1CC to Mr. V. Sakthivel, Advocate, SR.No. 87082

+1CC to Mr. I. Mrugesan, Advocate, SR.No. 87101

DATED: 14.11.2017

DECREE

C.M.A. (MD) No. 668 of 2017

NATURE OF THE DECREE: Partly
allowing this appeal preferred
against the award of the
Additional Subordinate Judge
(Motor Accidents Claims
Tribunal) Madurai in
M.C.O.P. No. 668/2011 dt. 18.04.2016
etc., as stated within.

KK/GT/SAR 4/06.12.2017/ 2P- 5C/