



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Fifth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) Nos.798 of 2017 and 6045 of 2016
IN
CMA(MD) No.464 of 2016

MEENA

... PETITIONER/1st CLAIMANT
in CMP(MD).No.798/2016 in
CMA(MD).No.464 of 2016

Vs

1 A.MURUGESAN

2 NATIONAL INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, ANGU VILAS BUILDING,
NORTH CAR ST., NAGARKOIL-01.

3 THARMAR

4 THE ORIENTAL INSURANCE COMPANY LTD.
DIVISIONAL OFFICE, 1ST FLOOR DDJ CENTRE,
OPP. TO VADASERY BUS STAND,
NAGARKOIL-01.

5 MURUGAN

6 ESAKKI PANDI

7 MANOJ

8 ESAKKIMUTHU THEVAR

9 NAMBITHAI

... RESPONDENTS
in CMP(MD).No.798/2016 in
CMA(MD).No.464 of 2016

NATIONAL INSURANCE COMPANY LIMITED, DIVISIONAL OFFICE, ANGU VILAS
BUILDING, NORTH MASI STREET, NAGERCOIL - 629 001, NAGERCOIL.

... Petitioner in CMP(MD).No.6045/2016 in
CMA(MD).No.464 of 2016

- Vs. -

1 MEENA

2 MURUGAN,

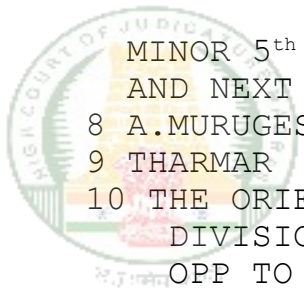
3 ESAKKI PANDI,

4 MANOJ,

5 MINOR KARTHIK,

<https://hcservices.ecourts.gov.in/hcservices/> 6 ESAKKIMUTHU THEVAR

7 NAMBITHAI ST, THIAGARAJA NAGAR, TIRUNELVELI.



MINOR 5th RESPONDENT IS REPRESENTED THROUGH HIS MOTHER
AND NEXT FRIEND THE FIRST RESPONDENT

8 A.MURUGESAN

9 THARMAR

10 THE ORIENTAL INSURANCE COMPANY LIMITED,
DIVISIONAL OFFICE, 1ST FLOOR, D.D.J.CENTRE,
OPP TO VADASERY BUS STAND, NAGERCOIL 629 001.

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... Respondents in CMP(MD).No.6045/2016 in
CMA(MD).No.464 of 2016

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the stay granted in C.M.P.(MD) No.6045 of 2016 dated 24.6.2016 in C.M.A(MD) No.464 of 2016 as against the 4th respondent and thus render justice.

Prayer in CMP(MD). 6045/ 2016 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Interim Stay of all further proceedings pursuant to the judgment and decree dated 04.11.2015 made in MCOP.No.1219/2013 on the file of Motor Accident Claims Tribunal, First Additional District Court, Tirunelveli, pending disposal of the CMA.(MD).No.464/2016.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.JIM, Advocate for the petitioner in CMP(MD). No.798/2017 in CMA(MD).No.464 of 2016 and Caveator for R2 to R4 in CMP(MD).No.6045/2016 in CMA(MD).No.464 of 2016 and of Mr. J.S.Murali, Advocate for R2 in CMP(MD).No.798/2017 in CMA(MD).No.464 of 2016 and the petitioner in CMP(MD).No.6045/2016 in CMA(MD).No.464 of 2016 the court made the following order:-

The Tribunal has apportioned the award amount payable between the two Insurance Companies. The appellant/Insurance Company, namely the National Insurance Company Limited has been directed to pay 75% of the award amount and the 10th respondent/the Oriental Insurance Company Limited has been directed to pay 25% of the award amount. The 10th respondent has not preferred any appeal as against 25% of award amount payable by them, which works out to Rs.3,35,800/-.The appellant/Insurance Company was directed to deposit a sum of Rs.6 lakhs by this Court on 24.6.2016. It is also stated at the bar that the conditional order has been complied with and the claimants have also withdrawn the amounts as per the directions of this Court in the order, dated 24.6.2016.

2.The grievance of the learned counsel for the claimants is that though the 10th respondent has not preferred any appeal, the Tribunal has not proceeded with the execution of the award as against the 10th respondent also in view of the stay granted in this appeal. It is made clear that there is no stay as against the 10th respondent/Oriental Insurance Company Limited. The Tribunal is free to proceed with the execution of the award as against the 10th respondent/The Oriental Insurance Company Limited, which has also



suffered an award of Rs.3,35,800/- with subsequent interests.

3.The Vacate Stay Petition is disposed of with the above observation and interim stay already granted is made absolute.

sd/-

05/06/2017

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE I ADDITIONAL DISTRICT JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI

+1. C.C. to M/S.R.JIM Advocate SR.No.23155

+1cc to Mr.J.S.Murali, Advocate SR.No.23228

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ORDER
IN
CMP(MD) Nos.798 of 2017 & 6045 of 2016
IN
CMA(MD) No.464 of 2016
Date :05/06/2017