



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Nineteenth day of September Two Thousand and Seventeen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WEB COPY

CMA(MD) No.1036 of 2011

PERUMAL

...Appellant

Vs

1.ROBIN CHANDRA

2.AYYAPPAN

3.THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
PWD.OFFICE ROAD,
NAGERCOIL.

... Respondents

Prayer in CMA(MD) . 1036/ 2011 :

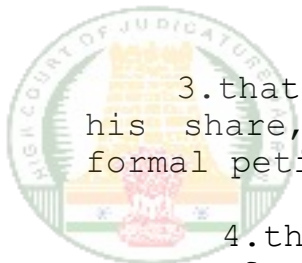
Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act, 1988 to set aside the award and decree dated 27.04.2011 made in MCOP No.6/2009 on the file of the MACT, (Sub Court), Valliyoor excluding the liability of 3rd Respondent Insurance Company and allow the present appeal holding that the 3rd Respondent is also liable to pay the compensation awarded by the Tribunal.

DECREE:

The Appeal coming on for hearing on this day, upon perusing the appeal grounds, the order and decree of the court below and material papers filed, and upon hearing the arguments of Mr.A.R.JEYA RHUTHRAN, Advocate for the Appellant, and of Mr.J.S.MURALI, Advocate for the 3rd respondent, and 1st and 2nd Respondents either appeared in person or thro' counsel, this court doth order and decree as follows:-

1.that the decree dated 27.04.2011 made in M.C.O.P.Nos.6/2009 by the Motor Accident Claims Tribunal, the Sub Judge, Valliyoor be and hereby is modified, and the compensation is enhanced from Rs.2,10,120.62/- (Rupees Two Lakhs Ten Thousand One Hundred and Twenty and Sixty Two Paise only) to 2,55,120.62/- (Rupees Two Lakhs fifty five thousand one hundred and twenty and sixty two paise only) and Civil Miscellaneous Appeal be and hereby is allowed;

2.that the 3rd respondent/Insurance Company do deposit the entire award amount with accrued interests and costs within a period of eight weeks from the date of receipt of a copy of this judgment, if not already deposited;



3.that on such deposit being made, the claimant shall withdraw his share, with accrued interests and costs without filing any formal petition before the Tribunal;

4.that the third respondent/ Insurance company do recover the amount from the owner of the vehicle as per the decision of the Supreme Court in Nanjappan vs Oriental Insurance Company Ltd., and others (2003(1)L.W.77);

5.that there be no costs, in this Civil Miscellaneous Appeal;

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Subordinate Judge,
(Motor Accident Claims Tribunal),
Valliyoar.

(The Claimant/Appellant has paid a sum of Rs,450/-
Rupees Four Hundred and Fifty only) towards Additional Court
Fee vide SR.No.30960 dated 27/07/2018).

Copy to :

The Record Keeper,
VR.Section,
Madurai Bench Of Madras High Court.
Madurai.(2 Copies)

+1CC to Mr.J.S.Murali Advocate in Sr.No.80161.

+1CC to Mr.A.R.Jeya Rhuthran Advocate in Sr.No.80239.

ORDER DATE: 19.09.2017

DECREE

CMA(MD) No.1036 of 2011

Nature of Decree:

Award and decree dated 27.04.2011 made in M.C.O.P No.6 of 2009 on the file of the Motor Accident Claim Tribunal (Sub Court) Valliyoar is Modified and CMA Allowed.