



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Thiry First day of October, Two Thousand and
Seventeen

PRESENT

WEB COPY

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

C.M.A(MD)No.1412 of 2011

The Divisional Manager,
United India Insurance Company Limited,
D.O.I., 7 A, West Veli Street,
Madurai District. ... Appellant/2nd Respondent

Vs.

1.A.Nagarajan ... 1st Respondent/Petitioner

2.P.Krishnan ... 2nd Respondent/1st Respondent

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act, 1988, preferred against the award passed by the Second Additional Subordinate Judge-cum-Motor Accident Claims Tribunal, Madurai, dated 14/02/2011 made in M.C.O.P.No.1607/2008.

DECREE: This Appeal is coming on for hearing on this day, upon perusing the grounds of Appeal, award of the Tribunal below and the material papers of the Appeal and upon hearing the arguments of Mr.C. Jawahar Ravindran, Advocate for the Appellant and of Mr.A.Liakat Ali, Advocate for the 1st Respondent and the 2nd Respondent not appeared either in person or by an advocate, this Court while allowing the appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows;

(i)That the award passed by the Second Additional Subordinate Judge-cum-Motor Accident Claims Tribunal, Madurai dated 14/02/2011 made in M.C.O.P.No.1607/2008 be and hereby is modified and this Civil Miscellaneous Appeal is partly allowed.

(ii)That the Appellant herein /Insurance Company be and hereby is directed to 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 order, if not already deposited;

(iii)That, the Appellant herein / United India Insurance Company be and hereby is directed to pay the amount to the first respondent/Claimant at the first instance and then recover the same from the insured, as per the decision of the Apex Court, in Oriental Insurance co.,Ltd., Vs Shri Nanjappan and others (I(2004) ACC 521(SC)).

(iv)That, on such deposit being made, the first respondent be and hereby is permitted to withdraw the entire award amount with accrued interests and costs, without filing any formal application before the Tribunal and



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

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Second Additional Sub Judge,
The Motor Accident claims Tribunal,
Madurai.

Copy to:

The Section officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. A. LIAKET ALI, Advocate, SR. 84724

+1cc to Mr. C. JAWAHAR RAVINDRARAN, Advocate, SR. 84876

DATED: 31.10.2017

DECREE

C.M.A (MD) No. 1412 of 2011

Allowing the Appeal in part preferred against the award passed by the II Additional Subordinate Judge, Motor Accident claims Tribunal, Madurai, dated 14.02.2011 made in M.C.O.P. No. 1607/2008 etc as stated within.

KK/SKN RSK/SAR 4/29.11.2017/ 2P- 5C/