



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the First day of November, Two Thousand Eighteen
present

THE HONOURABLE MS.JUSTICE **V.M.VELUMANI**

C.M.A(MD) No.1359 of 2016

WEB COPY

S.Gunasekaran ... Appellant/4th Respondent
vs.
1.Rampandi
2.B.Samy @ Samikannu
3.B.Kaliammal ...1 to 3 Respondents/
Petitioners
4.M.Sankarappan (Died)
5.The United India Insurance Company Limited,
Manager (HUB)
7-A, West Veli Street,
Madurai-625 001. ...5th Respondent/2nd Respondent
6.S.Rajalakshmi Ammal
7.M.Maheswari
8.P.Vijaya
9.S.Jega Jothi Meena
10.P.Pushpalatha ...Respondents 6 to 10/
Respondents 3, 5 to 8

Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 20.6.2016 made in MCOP No.1393 of 2012 on the file of the IV Additional District Judge, (Motor Accident Claims Tribunal) Madurai.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr.C.Vakeeswaran, Advocate for Appellant, and Mr.A.Ilango, Advocate for fifth Respondent and this Court while allowing the appeal in part, doth order and decree as follows:

1.that the award of the IV Additional District Judge(Motor Accident Claims Tribunal),Madurai dated 20.06.2016 made in MCOP No.1393 of 2012, insofar as exonerating the Insurance Company is set aside and in other respects, the award of the Tribunal is confirmed.

2.that, the appellant and 5th Respondent/Insurance Company herein shall pay the compensation awarded by the Tribunal jointly and severally;

3.that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS I)

// True Copy //



To

1. The Manager (HUB)
United India Insurance Company Limited,
7-A, West Veli Street,
Madurai-625 001.

2. The IV Additional District Judge,
(Motor Accident Claims Tribunal),
Madurai.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr.C.Vakeeswaran, Advocate, SR.No.94041

DATED:01.11.2018

DECREE

C.M.A(MD) No.1359 of 2016

NATURE OF THE DECREE: Allowing
the Appeal in part preferred
against the Judgment and Decree
dated 20.06.2016 and made in MCOP
No.1393 of 2012 on the file of
the IV Additional District Judge,
(Motor Accident Claims Tribunal),
Madurai, and etc., as stated
within.

KK/SAR- (20.02.2019) 2P 6C