



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI  
Wednesday, the Third day of October Two Thousand and Eighteen  
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI  
CIVIL MISCELLANEOUS APPEAL(MD). No.492 of 2018

P.MANI

... Appellant/1<sup>st</sup> Respondent

Vs

1.K.SAMUTHIRARAJAN

... 1<sup>st</sup> Ressonndent/Petitioner

2. THE DIVISIONAL MANAGER

M/S.TATA AID GENERAL INSURANCE COMPANY LTD,  
D.NO.4,5, AA TOWERS, NORTH BLOCK,  
BYEPASS ROAD, MADURAI,  
MADURAI DISTRICT

... 2<sup>nd</sup> Respondent/2<sup>nd</sup> Respondent

Prayer:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying this Court to set aside the Award passed in MCOP.1500/2014, dated 15/02/2018, on the file of the Motor Accident Claims Tribunal, Special Sub Court(MCOP Cases) MADURAI.

**DECREE:-**This Civil Miscellaneous Appeal is coming 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.J.GUNASEELAN MUTHAIAH, Advocate for the Appellant and of MR.S.SANKAR, Advocate for the 2<sup>nd</sup> respondent and the 1<sup>st</sup> respondent not appeared either in person or by an advocate, this Court, doth order and decree as follows:-

(1) That the award of the MOTOR ACCIDENTS CLAIMS TRIBUNAL, SPECIAL SUB COURT(MCOP CASES) MADURAI, dated 15/02/2018 made in MCOP.1500/2014 be and hereby is set aside and the matter is remanded back to the Tribunal below and the Tribunal below do restore the appeal to its original number for fresh consideration and dispose the same within a period of three months from the date of receipt of a copy of this judgment in the light of the observations and directions contained in the Judgment and

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

TO

The Motor Accident Claims Tribunal,  
Special Sub Court, (MCOP Cases)  
MADURAI



Copy to:

The Record Keeper,

V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to Mr.B.VIJAY KARTHIKEYAN, Advocate ( SR-88293 dated 03/10/2018 )

+1 CC to Mr.J.GUNASEELANMUTHIAH, Advocate ( SR-88347 dated 03/10/2018 )

ORDER DATED : 03/10/2018

=====

**DECREE**

=====

CMA(MD) . No.492 of 2018

Allowing the Appeal preferred against the award of the Motor Accident Claims Tribunal, SPECIAL SUB COURT, (MCOP Cases) MADURAI dated 15/02/2018 made in MCOP. 1500/2014 and etc., as stated within.

MK (04.03.2019) 2P 6C