



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

Tuesday, the Twenty Third day of October Two Thousand Eighteen

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PRESENT

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. (MD) No.1166 of 2013

and

M.P. (MD) No.1 of 2013

Bajaj Allianz General Insurance Co. Ltd.,
Rep. by its Branch Manager,
Susee Auto Sales & Service Pvt. Ltd.,
No.67/70, Theni Road,
Madurai - 16.

... Appellant/Respondent No.2

Vs.

1.V.Dukkaiammal
2.V.Karuppiah
3.V.Surulichami
4.K.Arjunan

... Respondents 1 to 3/Petitioners
... 4th Respondent/Respondent No.1

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree of the II Additional District Judge, the Motor Accident Claims Tribunal (VI Additional District Court), Madurai. dated 06/09/2012 passed in MCOP No.1167/2007.

ORDER:

This Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers available to this case, and upon hearing the arguments of Mrs.K.R.Shivashankari, Advocate for the Appellant, and of Mr.A.Theethar, Advocate for Respondents 1 to 3, this Court while allowing the Appeal in part and in modification of the Award of the Tribunal, doth order and decree as follows:

1.that the award of the Tribunal be and hereby is modified directing the Appellant to pay the compensation to the Respondents 1 to 3/Claimants the first instance, and thereafter recover the same from the fourth Respondent/Owner of the Vehicle, in accordance with law;

2.that on such deposit being made, the Respondents 1 to 3 / Claimants be and hereby are permitted to withdraw their respective shares with proportionate interest and cost from the same, by making necessary application before the Tribunal; are



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

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/True Copy/

Sd/-
Assistant Registrar(CS-II)

Sub Assistant Registrar(CS-II)

To

The VI Additional District Court,
Motor Accident Claims Tribunal,
Madurai.

Copy to
The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies

- 1 CC TO Mr.S.SRINIVASA RAGAHAVAN , ADVOCATE IN SR No.91566.
- + 1 CC TO Mr.A.THEETHAR , ADVOCATE IN SR No.91719.
- SMN2
-

ORDER DATED:23.10.2018

DECREE
C.M.A. (MD)No.1166 of 2013
and
M.P. (MD)No.1 of 2013
Nature of Decree:

Partly Allowing the Appeal preferred against the J/D dated 06.09.2012 in MCOP.No.1167/2007, on the file the MACT/VI District Court, Madurai and giving directions etc., as stated therein.

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