

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A. No. 2783 of 2016

The Branch Manager,
United India Insurance Co. Ltd.,
No.77, A.A.Street,
Oriental Theatre Complex,
Salem - 1 ... Appellant/2nd Respondent

Vs.

1.C.Alamelu ... 1st Respondent / Petitioner
2.Padma ... 2nd Respondent/1st Petitioner

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree passed in M.C.O.P. No. 1394 of 2015 dated 05.07.2016 on the file of the Motor Accidents Claims Tribunal, Special SubJudge-1, Salem

For Appellant : Mr.C.Paranthaman

For Respondents: Mr.P.Veeraraghavan
for 1st respondent

JUDGMENT

(Delivered by M.M.Sundresh, J.)

This appeal is preferred by the appellant aggrieved over the award passed with respect to the quantum as the Tribunal has awarded pay and recovery.

2. When the matter is taken up for hearing today, both the counsel submitted that the issue involved is no longer res integra. As against the other claimants, the appeals filed in C.M.A. Nos.2671 to 2673 of 2016 (United India Insurance Co., Ltd v. Kulandaivel and another, etc., dated 13.06.2017) were

dismissed by a Division Bench of this Court, and therefore, this appeal also will have to be dismissed.

3. In such view of the matter, the appeal stands dismissed. In view of the submissions made by the counsel appearing for the appellant, the first respondent is permitted to withdraw 50% deposit made already pursuant to the interim order dated 21.12.2016 and the remaining amount will have to be deposited by the appellant within a period of eight weeks from the date of receipt of a copy of this order. We make it clear that we are inclined to confirm the order of the Tribunal, and, therefore, the order of the passed for pay and recovery stands and all other directions of the Tribunal hold good.

The appeal stands dismissed. No costs. Consequently, connected CMP No. 20163 of 2016 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssm

To:

The Motor Accidents Claims Tribunal,
Special Sub Judge-1,
Salem.

Copy to
The Section Officer,
VR Section,
High Court, Madras

+1cc to Mr.C.Paranthaman , Advocate SR.No. 14908

+1cc to Mr. P.Veeraraghavan, Advocate SR.No. 14927

C.M.A. No. 2783 of 2016

A.SK(20/06/2019)

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