



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Twenty Fifth day of November Two Thousand and Nineteen

PRESENT

The Hon'ble Ms. Justice P.T. ASHA

CRP.No.2616 of 1997

The Managing Director,  
Dheerans Chinnamalai Transport Corporation,  
Trichy

...Petitioner / 3<sup>rd</sup> Respondent

-vs-

1 Josuva Carnik

...Respondent/Petitioner

2 The Bishop Diehi Rehabilitation Home for the Blind  
Melapudur, Cantonment Trichy.

3 M/s.United India Insurance Co.Ltd. No.2, Birds Road  
Cantonment, Trichy-1.

4 S.Renuka Selvaraj

5 M/s.United India Insurance Co.Ltd.,  
Kamaraj Salai Madurai- 625 009.

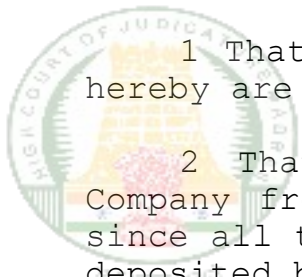
...Respondents/1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup> & 5<sup>th</sup> Respondents

Prayer in CRP(MD).No.2616 of 1997 :

**Civil Revision Petition is filed under Article 227 of Constitution of India, praying this Hon'ble Court against the judgment and decree dated 04.01.1997 made in M.C.O.P.No.988 of 1994 on the file of the Motor Accidents Claims Tribunal (III Additional Sub Judge), Trichy.**

DECREE:-

Civil Revision Petition is coming upon for hearing on this date, upon perusing the grounds of Appeal, the judgments and decrees of the Lower Appellate Court and the Court of First Instance and the material papers in the Suit and upon hearing the arguments of Mr.D.Sivaraman, Advocate for the Petitioner, Mr.P.Thiagarajan, Advocate for the Respondent No.1 and of Mr.S.Royce Immanuel, Advocate for the Respondents No.3 and 5, this Court while allowing and modifying the petition of the order passed by the Tribunal below, doth order and decree as follows:-



1 That the Judgment and Decree of both the Courts below be and hereby are modified and this Civil Revision Petition is allowed;

2 That the amount should be reimbursed by the Insurance Company from out of the award amount to the Transport Corporation since all the claimants had withdrawn the deposited amount which was deposited by the Transport Corporation;

3 That the Insurance company be and hereby is directed to deposit the excess 10% of the award amount within a period of eight weeks from the date of receipt of a copy of this order;

4 That there be no costs in this Civil Revision Petition.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

TO

The Motor Accident Claims Tribunal  
(III Additional Sub Judge), Trichy.

Copy to:

The Record Keeper, V.R. Section,  
Madurai Bench of Madras High Court, Madurai(2 COPIES)

+1 CC to Mr.Royce Immanuel, Advocate SR-101223

+1 CC to Mr.D.Sivaraman, Advocate SR-101570

ORDER DATED : 25/11/2019

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DECREE

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CRP. No.2616 of 1997

**Nature of Decree:-** Allowing the Civil Revision Petition against the judgment and decree dated 04.01.1997 made in M.C.O.P.No.988 of 1994 on the file of the Motor Accidents Claims Tribunal (III Additional Sub Judge), Trichy.etc., as stated within.

NS (CO)

TR(04.12.2019) 2P 6C