



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

CMA.No.1322 of 1997

WEB COPY

The Managing Director,
Dheerans Chinnamalai Transport Corporation, Trichy
...Appellant / 3rd Respondent

Vs

1 Dr.Pradeep Kumar Suvine ... 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/1st,2nd,4th & 5th Respondents

Prayer in C.M.A.No.1322 of 1997 :

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1973, praying this Hon'ble Court against the judgment and decree dated 04.01.1997 made in M.C.O.P.No.992 of 1994 on the file of the Motor Accidents Claims Tribunal (III Additional Sub Judge), Trichy.

DECREE:-

Civil Miscellaneous Appeal 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 appeal and upon hearing the arguments of Mr.D.Sivaraman, Advocate for the Petitioner Mr.P.Thiagarajan, Advocate for the 2nd Respondent 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 Miscellaneous Appeal is allowed;

2 That the amount should be reimbursed by the Insurance Company from out of the award amount to the Transport Corporation claimants had withdrawn the deposited amount which was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 Miscellaneous Appeal.

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Sd/-

Assistant Registrar(CS-II)

// 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

+1 CC to Mr.Royce Immanuel, Advocate SR-101219

+1 CC to Mr.D.Sivaraman, Advocate SR-101574

ORDER DATED : 25/11/2019

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DECREE

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C.M.A.No.1322 of 1997

Nature of Decree:- Allowing the Civil Miscellaneous Appeal against the judgment and decree dated 04.01.1997 made in M.C.O.P.No.992 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