



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

Monday, the Fifteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMA(MD) . No.588 of 2008

THE NEW INDIA ASSURANCE Company Limited,
REP. BY ITS BRANCH MANAGER
NO.674, PERIYAKULAM ROAD, THENI.

Appellant/ 2nd respondent

Vs

1 MUSTAFA

1st Respondent / Petitioner

2 S.ABBAS

2nd Respondent / 1st Respondent

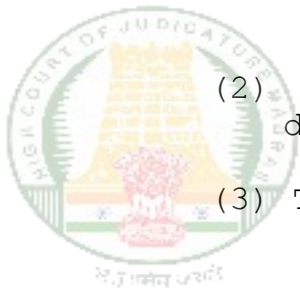
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the decree and judgment dated 15.11.2007 made in M.C.O.P. No. 314 of 2005 on the file of the Motor Accident Claims Tribunal / Additional Subordinate Court, Dindigul.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of MR. B. VIJAY KARTHIKEYAN, Advocate for the Appellant, the first respondent has not appeared either in person or by an Advocate and MR. V. SUNDARARAJAN, ADVOCATE FOR M/S. AJMAL ASSOCIATES, Advocate for the 2nd respondent, while allowing in part this Civil Miscellaneous Appeal, this Court doth order and decree as follows:

- (1) That the decree and judgment dated 15.11.2007 made in M.C.O.P. No. 314 of 2005 on the file of the Motor Accident Claims Tribunal / Additional Subordinate Court, Dindigul be and hereby are set aside as against the Insurance Company and the award will be only against the owner of the vehicle / second respondent;



(2) That the owner of the vehicle / second respondent do deposit the amount awarded by the Tribunal; and

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

TO

The Additional Subordinate Court,
Motor Accident Claims Tribunal,
Dindigul.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+ 1 CC to Mr. B. Vijayakarthiskeyan, Advocate in Sr. No.75280.

+ 1 CC to M/s Ajmal Associates in Sr. No. 75470.

ORDER DATED 15.07.2019

DECREE

C.M.A.(MD). No.588 of 2008

Allowing in part this Civil Miscellaneous Appeal filed to set aside the decree and judgment dated 15.11.2007 made in M.C.O.P. No. 314 of 2005 on the file of the Motor Accident Claims Tribunal / Additional Subordinate Court, Dindigul etc., as stated within.

pk(CO)

TR (07.08.2019) 2P 6C