



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Thursday, the Seventh day of November Two Thousand Nineteen

PRESENT

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The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMA(MD) . No.1539 of 2011

THE UNITED INDIA INSURANCE
CO.LTD. REP.BY ITS BRANCH MANAGER P.W.D.
OFFICE ROAD NAGERCOIL NAGERCOIL VILLAGE
AGASTEESWARAM TALUK KANYAKUMARI DISTRICT.

... Appellant/2nd Respondent

Vs

1 S.KOLAPPAN

2 R.CHELLAMMAL

3 K.VIJAYA

... Respondents 1 to 3/Petitioners

4 P.R.S.SRINIVASAN

...4th Respondent /1st Respondent

5 A.DOMNIC SAVIO,

... 5th Respondent/3rd Respondent

6 THE NEW INDIA ASSURANCE

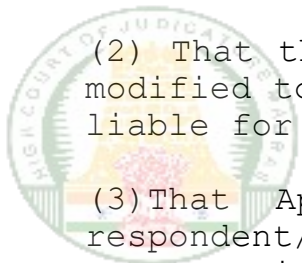
COMPANY LIMITED REP.BY ITS BRANCH MANAGER
OPP.ANNA STADIUM NAGERCOIL NAGERCOIL
VILLAGE AGASTEESWARAM TALUK KANYAKUMARI
DISTRICT.

... 6th Respondent/4th Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal, District Court Kanniyakumari at Nagercoil, dated 16.09.2010 made in M.A.C.O.P.No.229 of 2007

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.B.RAJESH SARAVANAN, Advocate for the Appellant and of Mr.T.Selvakumaran, Advocate for the Respondents one to three and Mr.B.Vijaya Karthikeyan, Advocate for the Sixth respondent, this Court while allowing the appeal in part, doth order and decree as follows:-

(1) That the award passed by the District Judge, Motor Accident Claims Tribunal, Kanniyakumari at Nagercoil, dated 16.09.2010 made in M.A.C.O.P.No.229 of 2007, be and hereby is modified and the Civil Miscellaneous Appeal is Party allowed.



(2) That the Liability fixed on the appellant /Insurance Company is modified to the extent that both the driver of the lorry and van are liable for the accident.

(3) That Appellant/United India Insurance Company and the 6th respondent/New India Insurance Company are liable to pay the compensation as awarded by the court below to the claimants as 50 : 50.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

The District Judge,
Motor Accident Claims Tribunal,
Kanniyakumari at Nagercoil,

Copy to:

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

ORDER DATED : 07/11/2019

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DECREE

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CMA(MD). No.1539 of 2011

Partly Allowing the CMA(MD).No.1539 of 2011 preferred against judgment and decree passed by District Judge, Motor Accident Claims Tribunal, Kanniyakumari at Nagercoil, dated 16.09.2010 made in M.A.C.O.P.No.229 of 2007, etc. as stated within.

SDS (17.02.2020) 2P-4C