



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Eighth day of January Two Thousand and Nineteen

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PRESENT

The Hon'ble Mrs. Justice. J. NISHA BANU

CMA (MD) No. 481 of 2019

The Oriental Insurance Co. Ltd.,
24-E/12-A, S.N. High Road,
Tirunelveli - 627 001.

.. Appellant / 2nd Respondent

Vs

1. Sornam

... 1st Respondent/Claimant

2. Jancy Mathew

... 2nd Respondent / 1st Respondent

PRAYER:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 09.04.2009, made in M.C.O.P.Nos.935 of 2005 on the file of the Motor Accident Claims Tribunal cum Principal Sub Judge, Tirunelveli.

Decree:

This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Lower Court and the material papers in this Appeal and upon hearing the arguments of Mr. K. Bhaskaran Advocate for Appellant, and the first and second Respondents not appearing either in person or through their counsel, this Court while disposing of the appeal, doth order and decree as follows:

1. that the Insurance Company be and hereby are liable to the total amount of the highest awards covered under the policy and the amount paid in excess of its liability is permitted to be recovered from the owner of vehicle/insured by treating as if it is an amount decreed by the Tribunal in favour of the insurance company and without resorting to filing a separate suit; and

2. that the legal heirs of the deceased Sornam / 1st Respondent herein be and hereby permitted to file necessary petition before the Tribunal and the Tribunal be and hereby is directed to consider the same in accordance with law; and



2.that there be and hereby no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

To

1.The Principal Sub Judge,
Motor Accident Claims Tribunal
Tirunelveli.

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

+1 CC to M/s.K.BHASKARAN, Advocate (SR-43118[F] dated 28/01/2019)

ORDER DATED:28.01.2019

CMA(MD) No.480 of 2019
DECREE:

Disposing the Appeal preferred against the judgment and decree of the Principal Sub Judge, Motor Accidents Claims Tribunal dated 09.04.2009 and made in MCOP/935 of 2005 and etc as stated within.

KM/(24.04.2019) 2P 5C