



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Tuesday, Twenty Sixth day of April Two Thousand Twenty Two

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A(MD).No.594 of 2019

The New India Assurance Company Limited,
Rep. through its Divisional Manager,
248-B, Kamarajar Salai,
Rekha Towers,
Madurai.

... Appellant/2nd Respondent

vs.

1.Maheswari
2.Rathimannan

... 1st Respondent/Petitioner
... 2nd Respondent/ 1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to set aside the decree and judgment dated 01.03.2019 made in M.C.O.P.No.718 of 2016 on the file of Special Sub Judge, Madurai.

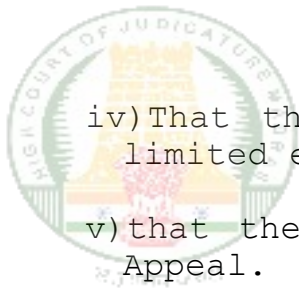
DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this day, 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.A.Ilango, Advocate for the Appellant, Mr.A.Theerthar, Advocate for the 1st Respondent, while partly allowing the Appeal, this Court doth order and decree as follows:-

i)that the decree and judgment dated 01.03.2019 made in M.C.O.P.No.718 of 2016 on the file of Special Sub Judge, Madurai, be and hereby is modified.

ii)That this case ExA1/Policy is the act one policy, therefore the Insurance Company cannot be mulcted with any liability to pay the compensation and hence, the Insurance Company is exonerated from the liability.

iii)That the claim petitioner is proceed against the owner of the vehicle for realization of the award amount.



iv) That this Civil Miscellaneous Appeal is partly allowed to the limited extent of exoneration of Appellant/Insurance Company.

v) that there be no order as to costs in this Civil Miscellaneous Appeal.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TO

1. The Special Sub Judge, Madurai.

Copy to:

The Record Keeper,

V.R. Section,

Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.A. ILANGO, Advocate (SR-21950[F] dated 28/04/2022)

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-21979[F] dated 28/04/2022)

DATED: 26.04.2022

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Decree + Judgment

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CMA(MD). No.594 of 2019

Partly allowing the appeal preferred against the decree and judgment dated 01.03.2019 made in M.C.O.P.No.718 of 2016 on the file of Special Sub Judge, Madurai, etc., as stated therein.,

ss (CO)

TR(14.06.2022) 2P 6C