

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2691 of 2010

(Through Video Conferencing)

K.Parthasarathy ... Appellant/Claimant

Vs.

1. M.Subramaniam

2. The United India Insurance Company Limited,
3rd Party claims office,
S.I. Co-operative Building, P.B.No.4855,
38, Anna Salai, Chennai - 2.

3. D.Mark Binny ... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Fair and Decretal order in M.C.O.P.No.195 of 2004, dated 08.06.2010, on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Madurantagam.

For Appellant : Mr.K.Sriram
for Mr.K.Govi Ganesan
For Respondents
For R1 : No appearance
For R2 : Mr.Michael Visuvasam
For R3 : Died

JUDGMENT

The claimant is the appellant in this appeal. The present appeal has been filed against the Fair and Decretal order dated 08.06.2010 passed by the Motor Accidents Claims Tribunal at Madurantagam in M.C.O.P.No.195 of 2004.

2. By the impugned fair and decretal order, the Tribunal has declined to award compensation claimed by the appellant/claimant, even though, it has come to a categorical conclusion that the lorry of the third respondent was responsible for the accident resulting injury to the appellant/claimant. The Tribunal has awarded a sum of Rs.25,000/- only under Section 140-A of Motor Vehicle Act, 1988 and has held that the respondents jointly and severally liable to pay aforesaid compensation to the appellant.

not impleaded the insurer of the third respondent lorry, I am of the view that this case can be remitted back to the Tribunal to re-determine the compensation. Liberty is also given to the appellant/claimant to find out the insurer who had insured the vehicle of the third respondent. Since the appeal is of the year 2010, the Tribunal is requested to dispose the same within a period of nine months from the date of receipt of a copy of this Judgment.

4. This Civil Miscellaneous Appeal stands disposed of by way of remand. No cost.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

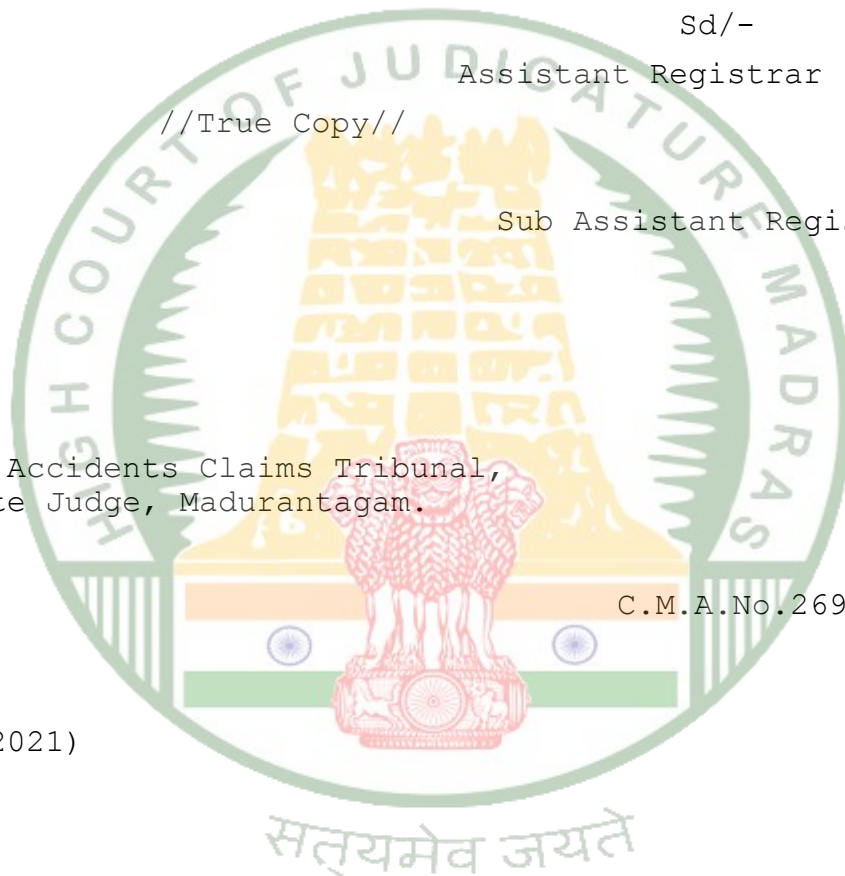
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To:

The Motor Accidents Claims Tribunal,
Subordinate Judge, Madurantagam.

C.M.A.No.2691 of 2010

RR(CO)
GN(27/04/2021)



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