

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MONDAY THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

CMA No.1598 of 2016

M/S.THE RELIANCE GENERAL
INSURANCE COMPANY LTD.,
SRI LAKSHMI COMPLEX
1ST FLOOR, BHARATHI STREET,
OMALUR MAIN ROAD,
SWARNAPURI, SALEM-4

... APPELLANT/RESPONDENT

Vs

1. KULANDAI

2. NALLATHAMBI

3. ARUMUGAM

4. PAPPATHI

5. DHANAM

6. CHINNATHAMBI ... RESPONDENTS 1 to 6 /PETITIONERS 1 to 6

7. S.MURUGESAN

8. C.RATHINAM ... 1 and 8 RESPONDENTS/RESPONDENTS 1 and 2

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree of the Motor Accidents Claims Tribunal, Special District Judge, Salem, in MCOP.No.2078 of 2010, dated 29.04.2015.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day, and upon perusing the grounds of Appeal, the order of the Tribunal and the material papers and records in this case and upon hearing the arguments of Ms.Harini, Advocate for Mr.M.B.Gopalan for the Appellant and none person appearing in person as by Advocate for the Respondents 1 to 8, and this Court while disposing the Appeal, doth order and decree as follows :

1. that the finding of the Tribunal, fixing the liability on the Appellant/Insurance Company, be and hereby is set aside;

2. that the owner of the Tempo Van, which has caused the accident, be and hereby is held liable to pay the compensation amount;

3. that the Respondents/Claimants, be and hereby are directed to proceed against Murugesan, owner of the tempo van for recovery of the award amount;

4. that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Special District Judge,
Motor Accidents Claim Tribunal,
Salem
2. The Section Officer,
VR Section,
Madras High Court

DATED : 23.11.2020

DECREE

CMA No.1598 of 2016

Disposing the CMA No.1598 of 2016 filed against the Judgment and Decree of Motor Accidents Claims Tribunal, Special District Court, Salem, made in MCOP No.2078 of 2010, dated 29.04.2015

PP(CO)
GMY(27/08/2021)