



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)**

**Monday, the Twenty Eighth day of September Two Thousand And Twenty
PRESENT**

**The Hon`ble Mr.Justice K.KALYANASUNDARAM
CRP(MD)No.1480 of 2010**

NATIONAL INSURANCE COMPANY LTD.,
REP. BY ITS BRANCH MANAGER, BRANCH NO.11,
92,THEVARPURAM ROAD,
TUTICORIN 628 003.

... PETITIONER

VERSUS

1. ISAKKITHAI W/O. VALATHI PANDI, NO. 4,
REDDIAR STREET, PANANKULAM & POST,
NANGUNERI TALUK, TIRUNELVELI DISTRICT.
- 2 G.JEYARAJ, S/O. GOPALAKRISHNAN, 1-A8, MADA STREET,
SERNTAMARAM POST, SANKARANKOIL TALUK,
TIRUNELVELI DISTRICT.
- 3 THE PROPRIETOR,
M/S. SANTHI FINANCE CORPORATION, NO.46
IRULAPPAN STREET, SOWKARPET,
CHENNAI, TAMIL NADU.
(R3 SET EXPARTE IN TRIBUNAL)
- 4 GANESAN, S/O,KARUPPASAMY, NO.12,
PILLAIYAR KOIL STREET, MOOLAIKARAIPATTI
NANGUNERI TALUK, TIRUNELVELI DISTRICT.

(R4 IS IMPEADED AS A PARTY VIDE COURT ORDER
DATED 18/7/19 MADE IN CMP.4071 /2019)

... RESPONDENTS

Civil Revision Petition filed under Article 227 of Constitution of India, praying this Court to set aside the fair and decreetal order made in M.C.O.P.No. 396 of 2007, dated 27.07.2009 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli.

DECREE : This Civil Revision Petition coming up for hearing on this day, upon perusing the Grounds of revision and award of the Tribunal below and upon hearing the arguments of Mr.S.Srinivasa Raghavan, Advocate for the Petitioner and of Mr.C.Karthick, Advocate for the 2nd Respondent and the Respondents 1 and 4 having not appeared either in person or by an advocate, and the 3rd Respondent having remained ex-parte before the Tribunal, this Court while disposing the revision and in modification of the award of the Tribunal below, doth order and decree as follows ;

(1) That, the Petitioner/Insurance Company be and hereby is directed to satisfy the award amount to the first respondent/Claimant at the first instance and then to recover the same from the fourth respondent/Owner of the vehicle namely, Ganesan; and



(2) That, there be no costs in this Civil Revision Petition.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

TO

The Additional Subordinate Judge,
Motor Accidents Claims Tribunal, Tirunelveli.

Copy to:

The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.S. SRINIVASA RAGHAVAN, Advocate (SR-18416)

ORDER DATED : 28/09/2020

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DECREE

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CRP (MD) No.1480 of 2010

Disposing the Petition preferred against the fair and decreetal order made in M.C.O.P.No. 396 of 2007, dated 27.07.2009 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli and etc. as stated within.

VB (21.10.2020) 2P 5C