



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

Wednesday, the Ninth day of December Two Thousand and Twenty

PRESENT

The Hon'ble Mr.Justice N.SESHASAYEE

CMA(MD). No.954 of 2015

M/s.Bajaj Allianz General Insurance Co.Ltd.,
Represented by its Divisional Manager,
No.25/26, Prince Tower 4th Floor, College Road, Nungambakkam,
Chennai. ...Appellant/2nd Respondent

Vs.

1.Arul Stanislas, S/o.Vaithiyamuthu, ...1st Respondent/Claimant

2.Minor Ans Sonia Marry, D/o.Arul Stanislas,
(R2 - Minor represented by father and Guardian 1st respondent)
Both at RC Kovil Keela Street,
Pushpavanam, Radhapuram Taluk,
Tirunelveli District. ...2nd Respondent/2nd Petitioner

3. M/s.Melathar Mining Co., Pvt., Ltd.,
No.39, 2nd Floor, ABC Trade Centre, Anna Salai,
Chennai. ...3rd Respondent/1st Respondent

Prayer :-

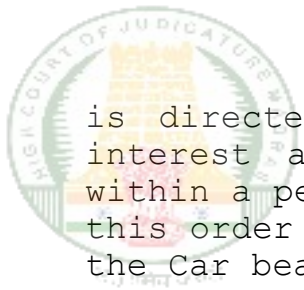
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the Decree and Judgement dated 29.01.2015 made in M.C.O.P.No.8 of 2011 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge of Valliyur.

DECREE:-

Civil Miscellaneous Appeal having come up for final hearing on Friday the Sixteenth day of October Two Thousand and Twenty, upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.G.Maruthaiah, Advocate for the Appellant and of Mr.K.Sudalaiyandi, Advocate for the 1st and 2nd Respondents, this Court having stood over for consideration till this day, while allowing this Appeal, doth order and decree as follows:-

1 That the award and decree dated 29.01.2015 made in M.C.O.P.No.8 of 2011 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge, Valliyur be and hereby are modified and the Civil Miscellaneous Appeal is allowed;

<https://hcservices.court.gov.in/hcservices/> Appellant herein / Insurance Company be and hereby



is directed to deposit the entire award amount with all accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order and is now entitled to recover the same from the owner of the Car bearing Registration No.TN 01 AH 8573;

3 That as such deposit being made, the claimants be and hereby are entitled to withdraw the entire amount forthwith; and

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
Motor Accident Claims Tribunal,
Valliyur.

Copy to:

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai (+ 2 Copies)

+1 CC to Mr.G.MURUTHIAH, Advocate SR.No.25039

ORDER DATED : 09/12/2020

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DECREE
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CMA(MD). No.954 of 2015

Nature of Decree:- Allowing the Civil Miscellaneous Appeal against judgment and decree dated 29.01.2015 made in M.C.O.P.No.8 of 2011 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge of Valliyur etc., as stated within.

NS (CO)

TR(08.02.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>