



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Civil Miscellaneous Appeal No.2302 of 2010

United India Insurance Co. Ltd.,
Divisional Manager,
Ranipet, Vellore. ... Appellant/2nd Respondent

..Vs..

1. Gowri
2. Ramakrishnan
3. Sarathi
4. Minor Parameshwari
Rep. By her brother
2nd Respondent
5. Dhanabakyam ... Respondents-1-5/Claimants1-5
6. C.Gopalakrishnamoorthy ... Respondents1-5/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree passed by the Subordinate Judge (Motor Accidents Claims Tribunal), Ranipet at Vellore DT dated 30.1.2010 made in M.C.O.P.No.57 of 2004.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the judgment and decree of the Tribunal below and the material papers in the case and upon hearing the arguments of Ms.Janani for Mr.Chandran, Advocate for the Appellants and of Mr.A.Saranraj, Advocate for the respondents 1 to 4 and Mr.M.Premkumar, Advocate for the Sixth Respondent and the 5th Respondent was Not appearing either in person or by an Advocate even though the notice was served on behalf of him and this Court while allowing this Civil Miscellaneous Appeal, doth order and decree as follows:

i)that the Respondents 1 to 5 herein/Claimants 1 to 5 shall be shall be permitted to withdraw 25% of the award amount deposited before the tribunal and the appellant herein/ Insurance Company shall withdraw the remaining amount by filing appropriate application before the Tribunal.

ii)that the appellant herein/Insurance company shall proceed against the owner of the vehicle to recover the 25% of the award amount. Since that the entire award passed in the claim petition is only against the owner of the vehicle.



iii)that the respondents1 to 5 herein/ claimants 1 to 5 be and hereby are directed to recover the remaining amount from the owner of the vehicle in the manner known to law.

iv)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge (Motor Accidents Claims Tribunal),
Ranipet

Copy to:
The Section Officer,
VR Section,
High Court, Madras

+1 cc to Mr.J.Chandran, Advocate Sr.NO.18747
+1 cc to Mr.A.Saranraj, Advocate Sr.NO. 18728

DATED:22.03.2021
DECREE
Civil Miscellaneous Appeal
No.2302 of 2010

Allowing the preferred against the judgment and decree dated 30.1.2010 made in M.C.O.P.No.57 of 2004 on the file of the Subordinate Judge (Motor Accidents Claims Tribunal), Ranipet at Vellore DT etc as stated within.

LN(CO)
A.SK(29.10.2021)