



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

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PRESENT

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No.1117 of 2015

The Divisional Manager,
Bajaj Allianz General Insurance Co. Ltd.,
100 Feet Road, Mudaliarpuram,
Pondicherry.

... Petitioner

versus

1. Rajesh alias Giridharan
2. Ilayaraja

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award and decree dated 18.11.2014 in MCOP No.1212 of 2006 on the file of the Motor Accidents Claims Tribunal (Additional Subordinate Judge), Puducherry.

Decree : This Civil Miscellaneous Appeal coming on for hearing, upon perusing the grounds of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of Mr. G.Vasudevan, Advocate for the Appellant, and of Mr.T. Sundaranathan, Advocate for the 1st Respondent and no person appearing in person nor by Advocate for the 2nd Respondent and while disposing of the Civil Miscellaneous Appeal, doth order and decree as follows:

1) that the award of the Additional Sub Judge, Motor Accidents Claims Tribunal, Pondicherry made in M.C.O.P No.1212/2006, dated 18.11.2014 be and hereby is set aside, and remanded back to the Tribunal;

2) that the Tribunal shall consider the defence raised by the Appellant/Insurance Company on merits in accordance with law; within a period of six months from the date of receipt of a copy of the order and dispose of the case in the light of the observations and directions contained in the judgment herein;



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3) that the first respondent/claimant be and hereby is not entitled to obtain any payment out of sum money lying in the credit of MCOP No.1212/2006 on the file of the Motor Accidents Claims Tribunal, Additoinal Sub Judge, Puducherry;

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

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

The Additional Subordinate Judge
Motor Accidents Claims Tribunal,
Puducherry.

DATED : 25/08/2021

DECREE :

CMA No.1117 of 2015

Disposing of the Civil Miscellaneous Appeal preferred against the judgment and decree dated 18.11.2014 made in MCOP No.1212 of 2006 on the file of the Motor Accidents Claims Tribunal/Additional Sub Judge, Puducherry, etc., as stated therein.

SV-I (CO)
GMY (16/11/2021)