

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

PRESENT :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

CIVIL MISCELLANEOUS APPEAL NOS.1541 OF 2011

The Oriental Insurance Co. Ltd.,
No.12, Katpadi Road,
Gudiyatham.

...Appellant / 2nd Respondent

..Vs..

1.Chinnasamy
2.C.J.Murali

...1st Respondent / Petitioner

...2nd Respondent / 1st Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 08.09.2010 made in M.C.O.P.No.204 of 2003 on the file of Motor Accidents Claims Tribunal (Additional District Judge, F.T.C.), Dharmapuri.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day, 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.S.Arunkumar, Advocate for the Appellant and Mr.M.Selvam, Advocate for the 1st Respondent and notice taken to the 2nd respondent not having been returned either served or unserved and while allowing this Appeal by setting aside the order of the Tribunal doth order and decree as follows :

- 1.That the Quantum of Compensation awarded by the Motor Accident Claims Tribunal, Additional District Judge, FTC, Dharmapuri in MCOP No.204 of 2003 be and hereby is confirmed;
- 2.That the Appellant herein / Insurance Company be and hereby is not liable to pay the Compensation and the award passed against the appellant be and is hereby set aside.

3. That the 2nd respondent herein / Owner of the Vehicle be and hereby is liable to pay the entire compensation awarded to the 1st respondent herein / Claimant;

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

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

vaan

To

The Motor Accidents Claims Tribunal,
Additional District Judge (FTC),
Dharmapuri.

Copy To

The Section Officer,
Vernacular Records,
High Court, Madras-104.

+1cc to Mr.S.Arunkumar, Advocate SR.No.6850

+1cc to Mr.M.Selvam, Advocate SR.No.7449

DATED : 08.02.2021

DECREE

CMA NO.1541 OF 2011

Nature of Decree : Partly
allowing the Civil
Miscellaneous Appeal preferred
against the judgment and Decree
dated 08.09.2010 made in MCOP
No.204 of 2003 on the file of
Motor Accidents Claims
Tribunal, Additional District
Judge (F.T.C.), Dharmapuri,
etc., as stated therein.

CA(CO)
RVM(25/10/2021)