

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE THIRTYTH DAY OF APRIL

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CIVIL MISCELLANEOUS APPEAL NO.1301 OF 2016

The Branch Manager,
Oriental Insurance Co.Ltd.,
Branch Office,
Kuppam.

... Appellant/2nd Respondent

Vs.

1.T.P.Vijayalakshmi

... 1st Respondent/
Petitioner

2.Abeed Hussain
3.Venkatappa Venkatesh
4.The Divisional Manager,
New India Assurance Co. Ltd.,
Flat No.11 & 12 Ground Floor,
Aditya Tower, Balaji Colony,
Thirupathi.

... Respondents 2 to 4 /
Respondents 1,3 & 4

Prayer:

Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the award and Decree dated 05.11.2014 made in M.C.O.P.No.1576 of 2013 on the file of Motor Accidents Claims Tribunal/Special Subordinate Judge, Krishnagiri.

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.N.Vijayaraghavan, Advocate for the Appellant and Mr.M.Sivakumar, Advocate for the first Respondent and though Notice was served for the Second Respondent, IInd Respondent Not appearing either in person or by Advocate and Mr.M.Krishnamoorthy Advocate for IVth Respondent

this court while allowing the Civil Miscellaneous Appeal by modifying the award of the Tribunal, doth order and decrees as follows:-

i.That the award dated 05.11.2014 made in M.C.O.P.Nos.1576 of 2013 be and hereby is quashed as against the Appellant herein/Oriental Insurance Company.

ii.That the award passed against the 2nd respondent/owner of the vehicle be and hereby is confirmed.

iii.That the I Respondent/Claimant be and hereby is granted, liberty to file an appeal against 4th Respondent/Insurer for seeking compensation from the 4th Respondent herein / Insurer for Auto, in which, the respective claimants were travelling as passenger.

iv.That there be No costs in this Appeal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn
To

1. The Motor Accident Claims Tribunal,
Special Sub-Judge, Krishnagiri.

+2ccs to Mr.Prabakaran, Advocate, S.R.No.26892

Dated:30.04.2021

Decree:

C.M.A.No.1301 of 2016

Allowing the Civil Miscellaneous Appeal preferred against the judgment and Decree dated 05.11.2014 made in M.C.O.P.No.1576/2013 on the file of the Motor Accidents Claims Tribunal/Special Subordinate Judge, Krishnagiri, etc., as stated therein.

MG(CO)
PM/08/10/2021