

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No.2733 of 2013

The United India Insurance Co. Ltd.,
Divisional Officer - 012 000
No.75-C, MTH Road,
Ambattur

... Appellant/2nd Respondent

Versus

1.Mohan
2.K.Muthusamy
3.Munusamy

..1st Respondent/ Petitioner

...2nd & 3rd Respondent/1st and 3rd Respondent

Prayer: Civil Miscellaneous Appeal against the order of the judgment and decree of the Motor Accident Claims Tribunal, Sub Judge, Ponneri dated 07.01.2013 made in OP.No.402 of 2008.

Decree: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the award of the Tribunal below and the material papers in the case and upon hearing the arguments of D.Bhaskaran, Advocate for the Appellant and Not appearing either in person or by an Advocate for the Respondent and this Court while allowing this Civil Miscellaneous Appeal, doth order and decree as follows:

i) that the Civil Miscellaneous Appeal be and hereby is allowed only in respect of the question of liability of the appellant / second respondent to pay the compensation.

ii) that the award passed by the Tribunal be and hereby is only as against the first respondent herein i.e. the owner of the vehicle and the quantum of compensation awarded by the Tribunal be and hereby is stands confirmed;

iii) that the award passed by the Tribunal as against the Appellant herein/ second respondent be and hereby is set aside.

iv) that the appellant / second respondent be and hereby is permitted to withdraw the amount already deposited, if any, before the Tribunal together with interest accrued thereon.

v)that the claimants are at liberty to recover the award amount from the first respondent that is the owner of the vehicle in accordance with law.

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

Sd/-
Deputy Registrar(Admin III)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Ponneri.

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

DATED:21.04.2021
DECREE
C.M.A.No.2733 of 2013

Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 07.01.2013 made in OP.No.402 of 2008 of the Motor Accident Claims Tribunal,Sub Judge,Ponneri etc as stated within.

PP(CO)
A.SK(24.11.2021)