

IN THE HIGH COURT OF JUDICATURE AT MADRAS
WEDNESDAY, THE SEVENTEENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.M.A.No.1681 of 2017

United India Insurance Company Limited,
PPS Complex, First Floor,
Mettur Main Road, Omalur ...Appellant/4th Respondent

/versus/

1. Vijaya,
2. Hemalatha,
3. Selvaraj,
4. Sangeetha, ..Respondents 1 to 4/Petitioners
5. Vadivel,
6. M/s.New India Assurance Company Limited,
Having Office at No.17, Fort Main Road,
Sevaipet, Salem - 636 002.
7. M.B.S.Mani. ...Respondents 5 to 7/Respondents 1 to 3

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the award and Decree dated 30.01.2017 made in M.C.O.P.No.528/2012 on the file of the Motor Accident Claims Tribunal(Special District Court) Salem.

DECREE: This Appeal coming on for hearing on this day upon perusing the grounds of appeal, the award of the Tribunal, the material papers available in this case and upon hearing the arguments of Mr.D.Bhaskaran, Advocate for the appellant herein and Mr.K.Vinod, Advocate for the 6th Respondent and Respondents 1 to 5 and 7 not appeared in person or by Advocate and this Court observed that the Appellant having deposited the entire award amount in the credit of M.C.O.P.No.528/2012 in compliance of the interim order passed by this Court in C.M.P.Nos.9002/2017 dated 15.06.2017 this Court while allowing this Appeal doth order and decree as follows:

1. That the quantum of compensation awarded by the Tribunal be and hereby is confirmed;

2. That the 7th Respondent herein/3rd Respondent/Owner of the Maruti Van be and hereby is liable to pay the compensation.

3. That the liability as against the appellant herein/4th Respondent be and hereby is exonerated.

4. That the Respondents 1 to 4 herein/Claimants shall withdraw the amount deposited together with interest, if any.

5. That the Appellant herein/4th Respondent be and hereby is granted liberty to recover the amount deposited with 7.5% interest from the 7th Respondent herein/Owner of the Maruti Van the 3rd Respondent in the claim Petition M.C.O.P.No.528/2012 as per the procedure laid in Nanjappa Vs State of Karnataka Case.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bsm

To:-

1.The Motor Accident Claims Tribunal
(Special District Court), Salem.

2.The Section Officer,
V.R.Section, High Court,
Madras.

+1 Cc to Mr.K.Vinod, Advocate sr 9474.

Dated: 17.02.2021

DECREE:

C.M.A.Nos.1681 of 2017

Allowing this Civil Miscellaneous Appeal preferred against the award and Decree dated 30.01.2017 made in M.C.O.P.No.528/2012 on the file of the Motor Accident Claims Tribunal (Special District Court) Salem etc as stated within

RSI(CO)
SP(20/09/2021)