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IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY THE FIRST DAY OF APRIL  
TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Civil Miscellaneous Appeal No.2920 of 2017

Manager-Claims,  
Tata AIG General Insurance Company Limited,  
No.403-L, Pantheon Road, Egmore,  
Chennai. ... Appellant/2<sup>nd</sup> Respondent

-vs-

1.Chaneerappa ... 1<sup>st</sup> Respondent/ Petitioner

2.Balasubramani ... Respondent/1<sup>st</sup> Respondent

Prayer:-Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 23.02.2017 made in M.C.O.P.No.4 of 2015 on the file of the Motor Accident Claims Tribunal (Sub Court), Hosur.

Decree:This Civil Miscellaneous Appeal coming on for hearing on 19.03.2021 and upon perusing the Grounds of Appeal, the order of the Lower court and the material papers in the case and upon hearing the arguments of Mr.K.Vinod, Advocate for the Appellant and of Mr.PA.Sudesh Kumar, Advocate for the First Respondent and the second Respondent Not appearing either in person or by an Advocate and the case having stood over for consideration till this day, this court while allowing this Civil Miscellaneous Appeal in modification of the order of the Tribunal, doth order and decree as follows:

i)that the Appellant/Insurance Company be and hereby is exonerated from the liability to compensate the claimant.

ii)that the first respondent herein/claimant is be and hereby granted liberty to proceed against the offending vehicle owner (second respondent herein) for the recovery of the award amount.



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

Sd/-  
Assistant Registrar(CS VIII)

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//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal (Sub Court),  
Hosur.

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

+1 cc to Mr.K.Vinod, Advocate Sr.NO.21662

+1 cc to Mr. PA.Sudesh Kumar, Advocate Sr.NO.21715

DATED:01.04.2021

DECREE

C.M.A.No.2920 of 2017

Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 23.02.2017 made in M.C.O.P.No.4 of 2015 on the file of the Motor Accident Claims Tribunal (Sub Court), Hosur etc as stated within.

PM(CO)

A.SK(25.10.2021)