



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD) . No.1216 of 2010

THE DIVISIONAL MANAGER,
THE ORIENTAL INSURANCE COMPANY LIMITED,
NAGERCOIL KANYAKUMARI DISTRICT ... Appellant / 3rd Respondent

Vs

- 1 SELVI
D/O. MUTHIAN, MANGALATHUVILAI VEEDU,,
PADANTHALUMOODU, KULAPPURAM VILLAGE,,
VILAVANCODE TALUK,
KANYAKUMARI DISTRICT .. 1st Respondent / Petitioner
- 2 SANTHOSH KUMAR
S/O. RAJAMONY, S.T. MANCAUD, KULAPPURAM,
VILLAGE, VILAVANCODE TALUK, KANYAKUMARI,
DISTRICT .. 2nd Respondent / 1st Respondent
- 3 RASALAM
S/O. RAMIAN, PADANTHALMOODU, KULAPPURAM,
VILLAGE, VILAVANCODE TALUK, KANYAKUMARI,
DISTRICT ... 3rd Respondent / 2nd Respondent

Prayer:-

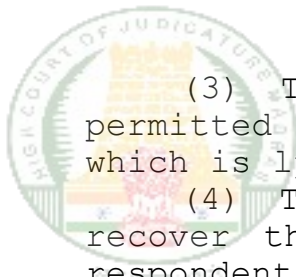
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Padmanabhapuram in MCOP No.57 of 1997, dated 02.08.2004.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.C.JAWAHAR RAVINDRAN, Advocate for the Appellant and of Mr.B.BRIJESH KISHORE, Advocate for the respondents, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Padmanabhapuram made in MCOP No.57 of 1997, dated 02.08.2004 be and hereby is modified and the Civil Miscellaneous Appeal is allowed.

(2) That the finding of the Tribunal making the Appellant Insurance Company liable to pay the compensation is set aside, and the quantum of compensation awarded by the Tribunal is confirmed.



(3) That the Appellant/Insurance Company be and hereby is permitted to withdraw Rs.25,000/- (Rupees Twenty five thousand) which is lying in the credit of the claim petition.

(4) That it is open to the first respondent/ claimant to recover the award amount from the owner of the vehicle / third respondent herein.

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL.
PADMANABHAPURAM.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED : 16/03/2021

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DECREE

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CMA(MD) . No.1216 of 2010

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the
award passed in MCPO No.57
of 1997 by the Motor Accident
Claims Tribunal,
Padmanabhapuram and as
stated therein etc.,

KK(26.05.2021) 2P 4C