



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

Wednesday, the Twenty First day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD). No.224 of 2009

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CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LIMITED.

REP.BY ITS DIVISIONAL MANAGER,

II FLOOR, ALANKAR BUILDING,

551 D.B.ROAD, R.S.PURAM, COIMBATORE - 641 002..

... Appellant/2nd Respondent

-Vs-

1 A.BACKIYAM

2 MINOR.A.KRISHNAN

(MINOR 2nd RESPONDENT REP.BY MOTHER & NATURAL,
GUARDIAN, 1ST RESPONDENT HEREIN)

...1&2 Respondent / 1&2 Claimants

3 A.THULKARUNI SIKKANDAR

4 M.SURESH KANNAN

...3&4 Respondents/1&3 Respondents

Prayer:-

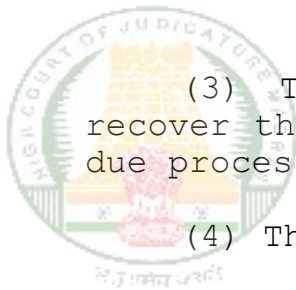
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 praying this court to set aside the fair and decretal order made in M.C.O.P.No. 153 of 2004, dated 18.08.2008. on the file of the Motor Accidents Claims Tribunal, District Judge, Sivagangai.

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.S.SRINIVASARAGHAVAN, Advocate for the Appellant and of MR.P.ATHIMOOLAPANDIAN, Advocate for the 1st and 2nd Respondents and of MR.V.GEORGE RAJA, Advocate for the 3rd Respondent and 4th Respondent not appearing in person or by an Advocate, this Court while allowing the Civil Miscellaneous Appeal, doth order and decree as follows:-

(1) That, the liability of the Appellant herein/Insurance company be and hereby is set aside and quantum do stand;

(2) That the Tribunal below be and hereby is directed to refund 50% of the award amount to the Appellant herein/Insurance Company, if already deposited lying to the credit of the claim petition;



(3) That the 1st and 2nd Respondents herein/Claimants shall recover the award amount from the owner of the vehicle by following due process of law; and

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

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The Motor Accidents Claims Tribunal,
District Judge, Sivagangai.

Copy to:

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-17097 dated
22/04/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-17118 dated
22/04/2021)

ORDER DATED : 21/04/2021

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DECREE (1/2)

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CMA(MD). No.224 of 2009

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the fair and
decretal order made in M.C.O.P.No.153
of 2004, dated 18.08.2008. on the file
of the Motor Accidents Claims
Tribunal, District Judge, Sivagangai,
as stated with in.

KK(02.06.2021) 2P 6C