



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Eighteenth day of February Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
CMA(MD) . No.1546 of 2010

DIVISIONAL MANAGER,
NATIONAL INSURANCE CO.LTD.
1754/1756, MAHOJIAPPA STREET,
THANJAVUR.

... Appellant/2nd Respondent

Vs

1 GIRI @ JEYAGIRI
S/O.GANESAN,
MIDDLE AGRAHARAM, UMayALPURAM,
PAPANASAM TALUK,
THANJAVUR DISTRICT.

... 1st Respondent/ Petitioner

2 PRIYA JOHN
S/O.SYTHAN SAHIB,
AMMAPALLI THAIKKAL, Ilangargudi Post,
PAPANASAM TALUK,
THANJAVUR DISTRICT.

...2nd Respondent/ 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 04.12.2003 made in M.C.O.P. No. 156 of 2001 on the file of the Motor Accidents Claims Tribunal, Sub Court, Kumbakonam.

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. A.S.MATHIYALAGAN, Advocate for the Appellant and of MR.A.THIRUVADIKUMAR, Advocate for the 1st respondent and 2nd respondent has not appeared either in person or by an Advocate, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accidents Claims Tribunal, Sub Court, Kumbakonam, dated 04.12.2003 made in M.C.O.P. NO. 156 of 2001 be and hereby is set aside and the Civil Miscellaneous Appeal is Allowed.

(2) That the liability of the appellant herein/ Insurance company be and hereby is set aside.

(3) That the 1st Respondent herein/Claimant be and hereby is permitted to recover the award amount from the owner of the vehicle.

(4) That if any amount is deposited and lying to the credit of the claim petition, the same shall be refunded to the Appellant herein / Insurance Company



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TO

The Sub Judge,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
Kumbakonam.

Copy to:

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

+1 CC to M/s.A.S.MATHIALAGAN, Advocate (SR-6507 dated 22/02/2021)

ORDER DATED : 18/02/2021

=====
DECREE
=====

CMA(MD) . No.1546 of 2010

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the award
dated 04.12.2003 made in M.C.O.P. No.
156 of 2001 on the file of the Motor
Accidents Claims Tribunal, Sub Court,
Kumbakonam.

KB(12.03.2021) 2P 5C