



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Wednesday, the Sixth day of January Two Thousand Twenty One
PRESENT
The Hon'ble Mr.Justice G.ILANGO VAN
CMA(MD) . No.1819 of 2010

WEB COPY

ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD.,
NO.46, WHITES ROAD, CHENNAI -14 ... Appellant/2nd Respondent

Vs

1.A.MAHALI
2.N.NEETHIPATHY ... Respondents/
2nd petitioner & 1st Respondent

Prayer:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 preferred against the fair and decreetal orders dated 16/06/2010 made in MCOP NO.1045/2005 on the file of the II Additional Sub-Judge, (Motor Accident Claims Tribunal), Trichirapalli.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on Monday the Twenty first day of December Two Thousand and Twenty, 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.Srinivasa Raghavan, Advocate for the Appellant and none had appeared on behalf of the Respondents and having stood over for consideration till this day, while allowing the Civil Miscellaneous Appeal in modification of liability of award of the Tribunal below, this Court doth order and decree as follows:-

(1) that the compensation awarded by the Tribunal below be and hereby is confirmed;

(2) that the Appellant herein/Insurance Company be and hereby is discharged from the payment of compensation to the 1st respondent herein/claimant as ordered by the Tribunal dated 16/06/2010 made in MCOP NO.1045/2005 on the file of the II Additional Sub-Judge, (Motor Accident Claims Tribunal), Trichirapalli;

(3) that the 2nd respondent herein/owner of the vehicle be and hereby is directed to deposit the entire award amount with accrued interest and costs, within a period of two months from the date of receipt of a copy of this order;

(4) that on such deposit being made, the first respondent herein/claimant shall withdraw the entire award amount with accrued interests and costs as per the ratio of apportionment made by the Tribunal; and the first respondent herein/claimant shall file a formal petition before the Tribunal;



(5) that the Appellant herein/Insurance Company shall withdraw the award amount if any, already been deposited before the Tribunal below;

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

The II Additional Sub-Judge,
(Motor Accident Claims Tribunal), Trichirapalli

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai(2 copies)

+1 CC to M/s.S.SRINIVASA RAGHAVAN,Advocate CA SR-457 dated07/01/2021

ORDER DATED : 06/01/2021

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DECREE

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CMA(MD). No.1819 of 2010

Nature of the decree:
Allowing the CMA(MD).
No.1819 of 2010
preferred against judgment
and decree dated 16/06/2010
made in MCOP NO.1045/2005 on
the file of the II
Additional Sub-Judge, (Motor
Accident Claims Tribunal),
Trichirapalli etc., as
stated within.

SV2 (CO)

TR(10.02.2021) 2P 5C