



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Fifteenth day of March Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM

CMA(MD). No.872 of 2011

GENERAL MANAGER,,

M/S.UNITED INDIA INSURANCE CO.LTD.

23 E E.V.R.SALAI PUTHUR TIRUCHIRAPALLI DISTRICT..

... Appellant / 2nd Respondent

Vs

1 DAVIT ARULRAJ

S/O.AMIRTHAM, 20B,MANGALAM ILLAM, GANDHI,

ROAD, KEELA AMBIKAPURAM,PONMALAI,,

TIRUCHIRAPALLI DISTRICT.. ... Respondent / Claimant

2 JAMAL MOHAIDEEN

S/O.M.G.HOUSE BATCHA, 5/232A, BARTHITHASAN,

ST, PAPPAKURICHI, TRICHY DIST.

(R2 HEREIN WERE EX PARTE BEFORE TH TRIBUNAL, HENCE,,

NOTICE IS GIVEN UP). ... 2nd Respondent / 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the I Additional Subordinate Judge/Motor Accident Claims Tribunal , Tiruchirapalli made in MCOP No.708 of 2004 dated 20.08.2010.

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.B.RAJESH SARAVANAN, Advocate for the Appellant and of MR.N.SUDHAGAR NAGARAJ, Advocate for the first respondent, second respondent 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 Accident Claims Tribunal/ I Additional Subordinate Judge, Tiruchirapalli made in MCOP No.708 of 2004 dated 20.08.2010 be and hereby is set aside and the Civil Miscellaneous Appeal is allowed.



(2) That the amount deposited by the Appellant Insurance Company lying to the credit of the claim petition shall be refunded.

(3) 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 FIRST ADDITIONAL SUB COURT,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
TIRUCHIRAPALLI.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate SR-11394 dated 16/03/2021

ORDER DATED : 15/03/2021

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DECREE
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CMA(MD). No.872 of 2011

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the award of the I Additional Subordinate Judge, Motor Accident Claims Tribunal, Tiruchirapalli in MCOP No.708 of 2004 dt.20.08.2010 and etc., stated within.

kmk (CO)

TR(27.04.2021) 2P 5C