



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) No.809 of 2010

and

M.P(MD)No.2 of 2010

and

C.M.A(MD)No.810 of 2010

and

M.P(MD)No.1 of 2010

C.M.A(MD)No.809 of 2010

Branch Manager,
The Oriental Insurance Co., Ltd.,
I Floor,D.D.J.Centre,
Vadaseri Bus Stop Opposite,
Nagercoil-629 001.

.. Appellant/2nd Respondent

vs.

1.V.Arumugam

..1st Respondent/Petitioner

2.Rani

..2nd Respondent/1st Respondent

(2nd Respondent remained
ex-parte before the lower Court)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, to set aside the Award of Rs.1,38,500/- (Rupees One Lakhs Thirty Eight Thousand Five Hundred Only) passed in M.C.O.P.No.79/2007, dated 11.11.2009 on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Tirunelveli.

For Appellant	: Mr.K.Balasubramanian
For R1	: Mr.V.Sasikumar
For R2	: Given up

C.M.A(MD)No.810 of 2010

Branch Manager,
The Oriental Insurance Co., Ltd.,
I Floor,D.D.J.Centre,
Vadaseri Bus Stop Opposite,
Nagercoil-629 001.

.. Appellant/2nd Respondent

vs.



set aside. It is open to the claimants to recover the amount awarded by the Tribunal from the owner of the vehicle.

5. Accordingly, these Civil Miscellaneous Appeals are allowed.

6. If any amount is deposited by the Insurance Company before the Tribunal, the same shall be refunded to the appellant/Insurance Company, if the same is not withdrawn by the claimants. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Tirunelveli.

2.The Record Keeper-2 copies
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to Mr.V.SASI KUMAR, Advocate (SR-3906,3905[F] dated 09/02/2021)

JUDGMENT MADE IN

C.M.A(MD) Nos.809 & 810 of 2010

08.02.2021

KM (11.03.2021) 3P 6C