



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

Wednesday, the Ninth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD). No.194 of 2013

THE ORIENTAL INSURANCE CO LTD,
REP BY ITS BRANCH MANAGER DOOR NO.158 P.C.C.,
COMPLEX 1ST FLOOR NEW ROAD KOVILPATTI ,
TUTICORIN DISTRICT. ... Appellant / 2nd Respondent

Vs

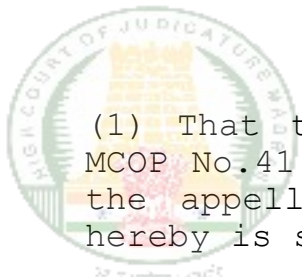
- 1 VELUCHAMY
S/O.SHANMUGA KONAR KEEZHA THERU,
GURUKKALPATTI VILLAGE
SANKARANKOVIL TALUK ... 1st Respondent / Petitioner
- 2 V.GURUNATHAN
THERUKKU STREET NALUVASANKOTTAI VAGAIKULAM,
POST SANKARANKOVIL TALUK
TIRUNELVELI DISTRICT.
- 3 THOMASIAH
S/O.SELVARAJ VADAKKU COLONY VAGAIKULAM,
POST SANKARANKOVIL TALUK TIRUNELVELI DISTRICT.
- 4 THE BAJAJ ALLIANCE GENERAL
INSURANCE CO LTD REP BY ITS BRANCH MANAGER,
12-G,KMA COMPLEX RAM NAGAR
MADURAI ... 2nd to 4th Respondent / 1st,
third and fourth respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Subordinate Court, Sankarankovil in MCOP No.41 of 2008 dated 31.10.2011.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Monday, the first day of March Two thousand and twenty one, 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.K.BHASKARAN, Advocate for the Appellant and of Mr.S.RAJESH KANNAN, Advocate, Legal Aid Counsel for first respondent and Mr.J.S.Murali, Advocate for fourth respondent, and having stood over for consideration till this date, this Court while allowing this Appeal doth order and decree as follows:-



(1) That the findings of the Tribunal Sub Court, Sankarankoil in MCOP No.41 of 2008 dated 31.10.2011 with regard to the liability of the appellant Insurance Company to pay the award and is be and hereby is set aside.

(2) That the Appellant Insurance Company is permitted to withdraw the amount already deposited, if any, before the Tribunal.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SANKARANKOVIL

Copy to:

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

+1 CC to M/s.K.BHASKARAN, Advocate (SR-19074 dated 09/06/2021)

+1 CC to M/s.J.S.MURALI, Advocate (SR-19189 dated 11/06/2021)

ORDER DATED : 09/06/2021

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DECREE

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CMA(MD). No.194 of 2013
Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the
award of the Motor Accident
Claims Tribunal,
Subordinate Court,
Sankarankovil in MCOP No.41
of 2008 dated 31.10.2011
and etc., as stated therein