



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

Wednesday the Tenth day of February Two Thousand and Twenty One

WEB COPY

PRESENT

THE HONOURABLE MRS. JUSTICE T. KRISHNAVALLI

C.M.A. (MD) . No.2018 of 2013

The Manager,
United India Insurance Company Limited,
Post Box No.52, Fort Road,
Kannur District, Kerala ...Appellant / 2nd Respondent

Vs

1. Senthilkumar
2. Vasanthi ...Respondents 1 & 2/ Petitioners
3. C. Noufal ...3rd respondent / 1st respondent
4. V. Loganathan ...4th respondent / 3rd respondent

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 23/08/2010 made in M.C.O.P. No.270 of 2007, on the file of the Motor Accident Claims Tribunal/ District Court, Karur.

DECREE:- This Civil Miscellaneous Appeal having come up for final hearing on this day; upon perusing the grounds of Appeal, the award of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr. Santhosh Kumar, Advocate for Mr. M. Vedasingh, Advocate for the Appellant, Mr. K. Suresh Kumar, Advocate for the respondents 1 & 2 and the 3rd respondent having not appeared either in person or through a Counsel; this Court while allowing the Appeal in part and modified the award of the Tribunal; doth order and decree as follows:-

1. That the Appellant herein/ Insurance Company is be and hereby directed to deposit the entire award amount together with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited;

3. That on such deposit being made, the respondents 1 & 2 herein / Claimants shall withdraw the entire award amount without filing any formal petition before the Tribunal;

4. That the Appellant herein/ Insurance Company is at liberty to recover the award amount from the insured as per the law laid down by the Hon'ble Supreme Court in Nanjappan's case (2004) 13 SCC 224;



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

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

TO

The District Judge,
Motor Accident Claims Tribunal, Karur.

Copy to:

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

+1CC to Mr. K. Suresh Kumar, Advocate in Sr. No.4834.

ORDER DATED 10/02/2021

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DECREE

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C.M.A.(MD) No.2018 of 2013

Allowing the Civil
Miscellaneous Appeal in
part filed against the
award dated 23/08/2010 made
in M.C.O.P. No.270 of 2007,
on the file of the Motor
Accident Claims Tribunal/
District Court, Karur etc.,
as stated within.

TR(07.06.2021) 2P 5C