



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

Tuesday, the Eighth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI
CMA(MD). No.736 of 2013

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THE BRANCH MANAGER,,
THE NEW INDIA ASSURANCE CO.LTD.
D.NO.34, ALAGAR KOVIL ROAD
TALLAKULAM, MADURAI .. Appellant / 2nd Respondent

Vs

- 1 SOLAIAMMAL,
W/O.LATE.RAMAR, KADAMBANKULAM VILLAGE,,
KARIYAPATTI TALUK, VIRUDHUNAGAR DISTRICT..
- 2 MINOR.MAREESWARAN,
S/O.LATE.RAMAR, KADAMBANKULAM VILLAGE,,
KARIYAPATTI TALUK, VIRUDHUNAGAR DISTRICT..
- 3 MINOR AYYAKALAI,
S/O.LATE.RAMAR, KADAMBANKULAM VILLAGE,,
KARIYAPATTI TALUK, VIRUDHUNAGAR DISTRICT.,
(MINORS REP.BY THEIR MOTHER & NATURAL,
GUARDIAN R1).
- 4 KARUPPAYE,
W/O.MARI, KADAMBANKULAM VILLAGE, KARIYAPATTI,
TALUK, VIRUDHUNAGAR DISTRICT.. 1st to 4th Respondent /
Petitioners
- 5 M.MUTHURAMALINGAM,
D.NO.140/5, NEW NO.28,
BHARATHIDHASAN ST.MADURAI .. 5th Respondent / 1st Respondent
- 6 T.CHANDRAMOHAN,
S/O.THIRUMALAIRAJ, R.B.T.B.
7 SUBBURAMAN STREET, MADURAI-6. 6th Respondent / 3rd Respondent

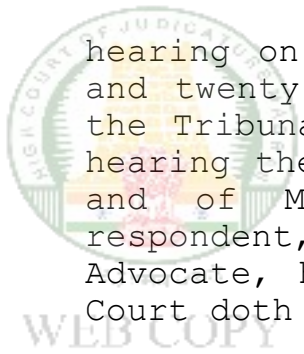
Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Motor Accident Claims Tribunal, Subordinate Court, Aruppukottai in MCOP No.18 of 2011 dated 13.03.2012.

DECREE:-

<https://hcservices.ecourts.gov.in/hcservices/>

This Civil Miscellaneous Appeal having come up for final



hearing on Tuesday the Twenty third day of February 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.MURUGESAN, Advocate for the Appellant and of Mr.M.SARAVANAKUMAR, Advocate for the first to third respondent, fourth respondent not appeared either in person or by an Advocate, having stood over for consideration till this date, this Court doth order and decree as follows:-

(1) That the award passed by the Motor Accident Claims Tribunal, Subordinate Court, Aruppukottai, in MCOP No.18 of 2011 dated 13.03.2012 is set aside the findings of the Tribunal with regard to the liability of the appellant Insurance Company to pay the award, and the Civil Miscellaneous Appeal is allowed.

(2) That the claimants to claim the award amount, which was awarded by the Tribunal, from the owner of the offending vehicle by filing appropriate proceedings.

(3) That the Appellant/Insurance Company is at liberty to get back the deposited amount in the credit of the claim petition, by filing necessary application before the Tribunal.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
ARUPPUKOTTAI

Copy to:

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

+1 CC to M/s.M.SARVANAKUMAR, Advocate (SR-19112 dated 09/06/2021)



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ORDER DATED : 08/06/2021
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DECREE
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CMA (MD) . No.736 of 2013

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the
award of the Motor Accident
Claims Tribunal,
Subordinate Court,
Aruppukottai made in MCOP
No.18 of 2011 dated
13.03.2012 and etc., as
stated therein

RK(19.08.2021) 3P 5C