



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)
Thursday the Fifteenth day of July Two Thousand and Twenty One
PRESENT
THE HONOURABLE MRS. JUSTICE J. NISHA BANU

C.M.A.(MD). No.417 of 2019

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The Divisional Manager
National Insurance Company Ltd.
Divisional Office,
5A, Sub Collector Office Road,
Dindigul - 624 001.
Dindigul District

Appellant / 2nd respondent
Vs

- | | |
|---------------------|--------------------------------------|
| 1. Minor Rathika | |
| 2. Minor Sarankumar | Respondent 1 & 2 / Petitioners 1 & 2 |
| 3. Vijayakumar | |
| 4. Selvaraj | Respondent 3 & 4 / Respondent 1 & 3 |

(1st and 2nd Minor Respondents represented by their maternal grandfather and natural guardian Palaniappan)

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 26.10.2018 made in M.C.O.P. No.41 of 2013, on the file of the Motor Accident Claims Tribunal/ Subordinate Court, Veda sandur, Dindigul District.

DECREE:-This Civil Miscellaneous Appeal having come up for hearing on Monday on Twenty Ninth day of March, Two Thousand Twenty one; 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. V.J. Kumaravel, Advocate for the Appellant, Mr. B. Pugalendhi, Advocate for the 1st & 2nd respondents and Mr. H. Lakshmi Shankar, Advocate for the 3rd respondent and having stoodover for consideration till this date; this Court while allowing the Appeal; doth order and decree as follows:-

1. That the Appellant herein/ Insurance Company be and hereby exonerated from the liability of pay and recovery;
2. That the owner of the vehicle / 3rd respondent herein alone is liable to pay the compensation as awarded by the Tribunal;
3. That the amount deposited by the appellant / Insurance company shall be refunded to the appellant / Insurance company;
4. That the owner of the vehicle / 3rd respondent herein be and hereby directed to deposit the entire award amount with accrued interest and costs within a period of eight weeks from the date of receipt of copy of this judgment;

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

5. That, in event of failure of the owner of the vehicle to deposit the amount within the time stipulated, the claimants shall take steps to recover the amount from the owner of the



vehicle in the manner known to law before the Tribunal; and

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

Sd/-

Assistant Registrar (CO)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Motor Accident Claims Tribunal, Veda sandur, Dindigul District.

Copy to:

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

+ 1CC to Mr. H. Lakshmi Shankar, Advocate in Sr. No.22763.

ORDER DATED 15.7.2021

DECREE

C.M.A. (MD) No.417 of 2019

Allowing the Civil Miscellaneous Appeal filed against the award dated 26.10.2018 made in M.C.O.P. No.41 of 2013, on the file of the Motor Accident Claims Tribunal/ Subordinate Court, Veda sandur, Dindigul District etc., as stated within.

RD(30.07.2021) 2P 5C