WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Friday, the Third day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMA(MD)No.14 of 2014

THE ORIENTAL INSURANCE CO.LTD.,
THROUGH ITS DIVISIONAL MANAGER,
OFFICE AT NO.24/E/12/A , S.N.HIGH ROAD,
SIVAKASI SHOPPING COMPLEX,
TIRUNELVELI. ... APPELLANT/2ND RESPONDENT

Vs

1.MURUGAMMAL
2.SANKAR
3.RAMKUMAR
4.UDAYAMOORTHY ...1-4 RESPONDENTS/1-4 PETITIONERS
5.MAHENDRAN ...5TH RESPONDENT/1ST RESPONDENT
(R5 REMAINED EXPARTE
BEFORE THE LOWER COURT)

Prayer :- Civil Miscellaneous Petition is filed under Section 173 of M.V.Act 1988, to set aside the award of Rs.2,76,000/- (Rupees Two Lakhs Seventy Six Thousand only) passed in MCOP.No.1415 of 2010, dated 31.07.2013 on the file of the Motor Accidents Claims Tribunal cum II Additional District and Sessions Judge, Tirunelveli.

Decree:- This Civil Miscellaneous Appeal coming up for final hearing on this day, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers of the Appeal and upon hearing the arguments of Mr.A.Illango, Advocate for the Appellant and Respondents 1 to 5 not appeared either in person or by Advocate, doth order and decree as follows:-

i)That the Judgement and Decree passed in MCOP.No.1415 of 2010 on the file of the Motor Accident Claims Tribunal/II Additional District and Sessions Judge, Tirunelveli, be and hereby is modified and the Civil Miscellaneous Appeal is Partly Allowed;

ii)That the Appellant/Oriental Insurance Company Limited, be and hereby is directed to pay the award amount to the respondents 1 to 4/claimants in the first instance and then, recover the same from the owner of the vehicle;

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

WEB COPY

iii)That the Appellant/Oriental Insurance Company Limited that they have already deposited the entire award amount with accrued interest;

iv)That the Respondents 1 to 4/Claimants be and hereby are entitled to withdraw the same by filing necessary application before the Tribunal;

v)That there be no costs in the Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The II Additional District and Sessions Judge,
Motor Accidents Claims Tribunal,
Tirunelveli.

Copy to:

The Record Keeper,(2C)
V.R. Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 03/12/2021

==========

DECREE

==========

CMA(MD)No.14 of 2014

Nature of Decree:- Partly Allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree of II Additional District and Sessions Judge, MACT, Tirunelveli, made in MCOP.No.1415 of 2010, dated 31.07.2013.

KB(08.02.2022) 2P 4C

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