



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

Tuesday, the Twenty Third day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD). No.963 of 2016

THE BRANCH MANAGER,
THE NEW INDIA INSURANCE COMPANY LTD.
NEW DHARAPURAM ROAD PALANI
DINDIGUL DIST

... Appellant / 2nd Respondent

Vs

- 1 THIRUMATHAL
W/O LATE RASU @ KANDASAMY, 3/84, SOUTH,
STREET, NARIKKALPATY, PALANI TALUK,,
DINDIGUL DIST..
- 2 TAMIL SELVI,
D/O LATE RASU @ KANDASAMY, 3/84, SOUTH,
STREET, NARIKKALPATY, PALANI TALUK,,
DINDIGUL DIST ... 1st to 2nd Respondent / Petitioners
- 3 M.PERIYASAMY
S/O MUTHUSAMY, NARIKKALPATY,
PALANI TALUK, DINDIGUL DIST ... 3rd Respondent / 1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award of the Subordinate Court, Motor Accident Claims Tribunal, Palani in MCOP No.235 of 2008 dated 18.03.2016.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Thursday, the twenty first day of January, 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.A.ELANGO, Advocate for the Appellant and of Mr.D.Venkatesh, Advocate for first and second respondent and third respondent not appeared either in person or by an Advocate, having stood over for consideration till this date, while allowing the Appeal, this Court doth order and decree as follows:-

(1) That the award passed by the Subordinate Court, Motor Accident Claims Tribunal, Palani in MCOP No.235 of 2008 dated 18.03.2016 is set aside with regard to the liability of the appellant Insurance



Company to pay the award:

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

(3) That it is open to the claimants to claim the award amount which was awarded by the Tribunal, from the owner of Vehicle/3rd respondent herein by filing appropriate proceedings, in the manner known to law; and

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

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, PALANI.

Copy to:

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

+1 CC to M/s.A.ILANGO, Advocate (SR-13081 dated 23/03/2021)

+1 CC to M/s.D.VENKATESH, Advocate (SR-13269 dated 24/03/2021)

ORDER DATED : 23/03/2021

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DECREE
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CMA(MD). No.963 of 2016

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the award of the Subordinate Judge, Palani in MCOP No.235 of 2008 dated 18.04.2016 and etc., as stated therein

KMK(CO)

TR(19.05.2021) 2P 6C