



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

Thursday, the Seventh day of January Two Thousand Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI
CMA(MD). No.805 of 2015

THE BRANCH MANAGER,
M/S. UNITED INDIA INSURANCE CO LTD.,
THIRUNAGAR MADURAI DT..

... Appellant/4th Respondent

Vs

...1st Respondent/Claimant

- 1 MRS.M.SEETHA,
- 2 MR. KALIDASS,
- 3 THE BRANCH MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD.,
KARAIKUDI, .
- 4 MR. J.PARTHASARATHI,
(4TH Respondent Ex parte before the Tribunal)

... Respondents 2 to 4/Respondents 1 to 3

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree of the Motor Accident Claims Tribunal(Sub Court) Sivagangai dated 21.08.2013 made in M.C.O.P.No.49 of 2008.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on this date, 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.P.RAJESH SARAVANAN, Advocate for the Appellant, of Mr.V.KANNAN, Advocate for the first respondent and of Mr.K.BHASKARAN, Advocate for the third respondent, this Court while allowing the appeal in part and doth order and decree as follows:-

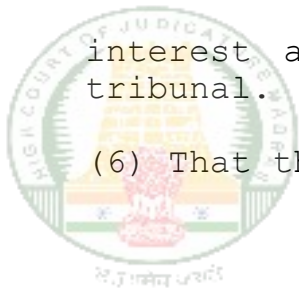
(1) That the Appellant herein /Insurance Company is not liable to pay any compensation to the claimant as awarded by the tribunal.

(2) That the appellant Insurance company is at liberty to get back the deposited amount before the tribunal in the manner known to law.

(3) That the 3rd respondent herein /Oriental Insurance Company is alone liable to pay the compensation to the claimant as the alleged Tractor was insured with them.

(4) That the 3rd respondent herein /Oriental Insurance Company be and hereby is directed to deposit the entire award amount together with interest as ordered by the Tribunal, within a period of six weeks from the date of receipt of a copy of this Judgment, less the amount already deposited.

(5) That on such deposit being made, the claimant be and is hereby permitted to withdraw the entire award amount together with accrued



interest and costs, without filing any formal petition before the tribunal.

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

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar (CS)

TO

THE SUB JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
SIVAGANGAI

Copy to:

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

ORDER DATED : 07/01/2021

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DECREE

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CMA (MD) . No.805 of 2015

Nature of Decree:- Allowing the appeal in part against judgment and decree of the Motor Accident Claims Tribunal (Sub Court) Sivagangai dated 21.08.2013 made in M.C.O.P.No.49 of 2008 and etc as stated therein.

KK (29.06.2021) 2P 4C