



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

Wednesday, the Ninth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMA(MD). No.394 of 2018

THE ORIENTAL INSURANCE COMPANY
LTD REP BY ITS BRANCH MANAGER
DINDIGUL BRANCH DINDIGUL

... Appellant / 3rd Respondent

Vs

- 1 ESWARI
W/O.AYYAPPAN, 16, KALMADA ST, UPSTAIRS,,
VADIVEESWARAM, NAGERCOIL, VADIVEESWARAM,
VILLAGE, AGASTEESWARAM TK, KANYAKUMARI DT..
- 2 MINOR NITHIYAKALYANI
D/O.ESWARI, 16, KALMADA ST, UPSTAIRS,,
VADIVEESWARAM, NAGERCOIL, VADIVEESWARAM,
VILLAGE, KANYAKUMARI DT.(MINOR 2ND,
RESPONDENT REP BY MOTHER ESWARI)... 1st and 2nd Respondents /
Petitioners
- 3 P.ELLAPPAN
S/O.PERUMAL NAIDU, 6/62-H, JEEVANAGAR,,
MADHAN ROAD, DINDIGUL..
- 4 S.VENUGOPAL
S/O.SANTHAN KRISHNAN, RAMAKRISHNAN, KARUR,
Now residing at N.G.O.COLONY, DINDIGUL..
- 5 GANESH
S/O.KUMARESAN, D.V.D.COLONY, KOTTAR,,
NAGERCOIL, VADEESWARAM VILLAGE,,
AGASTEESWARAM TK, KANYAKUMARI DT..
- 6 FAIZAL ILAHI
S/O.FAHARUDEEN, 24/41, DARGA ROAD, THUCKALAY,,
THUCKALAY VILLAGE, KALKULAM TK..
- 7 NEELAKANDA PILLAI
35-A, K.P.ROAD, KOTTAR, NAGERCOIL,,
VADEESWARAM VILLAGE, AGATEESWARAM TK,,
KANYAKUMARI DT..



8 VASANTHA

W/O.NEELAKANDA PILLAI, 35-A, K.P.ROAD,,

KOTTAR, NAGERCOIL, KANYAKUMARI DT. .. 3rd to 8th Respondents /
1st, 2nd, 4th to 7th respondents

WEB COPY (3rd to 8th RES REMAINED EXPARTE BEFORE THE LOWER,
COURT) .

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the award dated 20.01.2018 made in MCOP No.23 of 2003 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagercoil.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Tuesday, the Second day of March 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.BHASKARAN, Advocate for the Appellant and of Mr.P.PRABHU, Advocate for first and second respondent and Mr.K.MURUGAN, Advocate for the seventh and eighth respondents, and having stood over for consideration till this date, this Court doth order and decree as follows:-

(1) That the award dated 20.01.2018 made in MCOP No.23 of 2003 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagercoil be and hereby 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 Appellant/Insurance Company be and hereby is directed to withdraw the amount already deposited, if any, before the Tribunal.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TO
THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL.
NAGERCOIL.

WEB COPY
Copy to:

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

+1 CC to M/s.K.BHASKARAN, Advocate (SR-19072 dated 09/06/2021)
+1 CC to M/s.R.MURUGAN, Advocate (SR-19103 dated 09/06/2021)

ORDER DATED : 09/06/2021

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DECREE
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CMA(MD) . No.394 of 2018

Nature of Decree:- Allowing
the Civil Miscellaneous
Appeal preferred against the
award of the Motor Accident
Claims Tribunal, Chief
Judicial Magistrate,
Nagercoil in MCOP No.23 of
2003 dated 20.01.2018 and
etc., as stated therein.

kmk (CO)
TR(28.06.2021) 3P 6C