



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A. No.3230 of 2021

1. L.Saikumar
2. S.Brinda Malini
3. S.Threnethra

... Appellants/ Petitioners

-vs-

1. D.Prince

2. TATA AIG General Insurance Company Ltd.,
2nd floor, Samson Towers,
403 L, Pantheon Road,
Egmore, Chennai - 600 008.

... Respondents/ Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the order and decree in M.A.C.T. O.P. No.4096 of 2018 dated 23.03.2020 passed by the Motor Accident Claims Tribunal, Chief Small Causes Judge, Chennai.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the award of the tribunal and the Material papers in this case and upon hearing the arguments of Mr.L.Rajasekar, Counsel for the Appellant, Mr.E.Rajadurai Counsel for M/s.M.B.Gopalan Associates for the 2nd Respondent, and this Court, while allowing the Civil Miscellaneous Appeal, for doth order and decree as follows:

(i) That the award and Decree passed by the Motor Accident Claims Tribunal, Chief Small Causes Judge, Chennai made in M.C.O.P. No.4096 of 2018 dated 23.03.2020 be and hereby is set aside and the matter is remanded back to the Chief Small Causes Court, Chennai for fresh consideration; the learned Judge do restore the MCOP to its Original number in the registrar and proceed to dispose of the case in the light of the observations and directions contained in the Judgment herein.

(ii) That the learned Chief Judge, Court of Small Causes,



Chennai shall withdraw the other two petitions viz., M.C.O.P. No.3345 of 2017 and M.C.O.P. No.2360 of 2018 from the III Small Causes Court, Chennai and VI Small Causes Court, Chennai, respectively, and dispose of all the three petitions duly on merits and in accordance with law, within a period of six months from the date of receipt of copy of this Judgment;

(iii) That there be no costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

ab/jer

To

1.The Chief Small Causes Judge,
Motor Accident Claims Tribunal,
Chennai.

2.The Section Officer,
V.R Section, High Court, Madras.

+1cc to Mr.L.Rajasekar, Advocate, S.R.No.8605

DATED: 09/02/2022

DECREE

C.M.A. No.3230 of 2021

Allowing the Civil Miscellaneous Appeal against the Judgment and decree dated 23.03.2020 made in M.A.C.T.O.P. No.4096 of 2018 on the file of the Motor Accident Claims Tribunal/ Chief Small Causes Judge, Chennai etc., as stated within.

GSM(CO)
SB(25/03/2022)