



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Civil Appellate Jurisdiction )

Monday, the Twenty Eighth day of February  
Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD) . No.539 of 2013

IFFCO TOKYO GENERAL INSURANCE CO.LTD.,  
TULSI CHAMBERS, 3RD FLOOR,  
195 T.V. SAMY ROAD (W) R.S.PURAM,  
COIMBATORE.

... Appellant/ 2<sup>nd</sup> Respondent  
Vs

1 MANIKANDAN

... 1<sup>st</sup> Respondent/ Petitioner

2 KEVIN BENNO

... 2<sup>nd</sup> Respondent / 1<sup>st</sup> Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, praying this Court to set aside the fair and decretal order made in M.C.O.P. No. 432 of 2007, dated 11.12.2008 on the file of the Motor Accident Claims Tribunal (Subordinate Court), at Kulithalai.

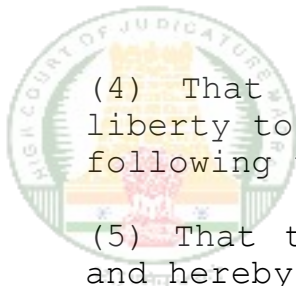
DECREE:-

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. S. SRINIVASA RAGHAVAN, Advocate for the Appellant and of MR. R.MAHESWARAN, Advocate for the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> respondent has not appeared either in person or by an Advocate this Court doth order and decree as follows:-

(1) That the pay and recovery theory as ordered by the Motor Accident Claims Tribunal (Subordinate Court), at Kulithalai, made in M.C.O.P. No. 432 of 2007, dated 11.12.2008 be and hereby is set aside and the Civil Miscellaneous Appeal is allowed to the extend as indicated herein.

(2) That the award as against Appellant herein/Insurance Company in respect of the same alone be and hereby is set aside;

(3) That the owner of the vehicle/2<sup>nd</sup> Respondent herein be and hereby is liable to pay the compensation;



(4) That the 1<sup>st</sup> Respondent herein/Claimant be and hereby is at liberty to realise the award amount from the owner of the vehicle by following the due process of law;

(5) That the other aspects of the award passed by the Tribunal be and hereby is unaltered and

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Subordinate Judge,  
MOTOR ACCIDENT CLAIMS TRIBUNAL,  
Kulithalai.

Copy to:

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

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate ( SR-9075 dated 28/02/2022 )

ORDER DATED : 28/02/2022

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DECREE

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CMA(MD). No.539 of 2013

Nature of Decree:- Allowing  
the Civil Miscellaneous  
Appeal preferred against the fair and  
decretal order made in M.C.O.P. No.  
432 of 2007, dated 11.12.2008 on the  
file of the Motor Accident Claims  
Tribunal (Subordinate Court), at  
Kulithalai.

KB(22.03.2022) 2P 5C