



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(CIVIL APPELLATE JURISDICTION)

WEDNESDAY, THE THIRTIETH DAY OF MARCH TWO THOUSAND TWENTY TWO

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PRESENT

THE HON`BLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA(MD) . NO.235 OF 2021

AND

C.M.P. (MD) NO.1997 OF 2021

THE UNITED INDIA INSURANCE COMPANY LIMITED,
Represented by its Branch Manager,
924-A, Main Road,
Catholic Centre,
Kovlpatti post 628 501,
Thoothukudi District.

... Appellant/Second Respondent

Vs

1)K.BALAKRISHNAN

... 1st Respondent/Petitioner

2)A.CHINNAKARUPPAN

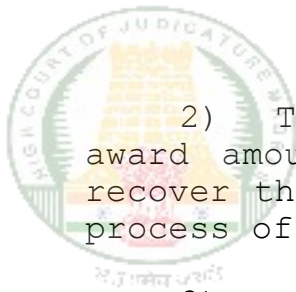
... 2nd Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 05/02/2020 and made in M.C.O.P.No.89 of 2017 on the file of the Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Theni.

Decree: This Civil Miscellaneous Appeal is coming on for hearing on this day and upon perusing the grounds of Appeal, the order of the Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Theni and the material papers in these Appeals and upon hearing the arguments of Mr.I.Suthakaran, Advocate for Appellant, and Mr.K.Suresh Kumar, Advocate for 1st Respondent, and this Court while allowing the appeal in part with modification of the award of Tribunal below, doth order and decree as follows :

1) That the award dated 05/02/2020 passed in M.C.O.P.No.89 of 2017, on the file of the Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Theni, be and hereby is Confirmed;



2) That the Appellant herein/Insurance Company shall pay the award amount to the claimant at the first instance and then to recover the same from the owner of the vehicle by following the due process of law;

3) That the Appellant herein/Insurance Company be and hereby is directed to deposit the award amount with accrued interest and costs, less the award amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this order;

4) That on such deposit made, the 1st Respondent herein/claimant be and hereby is permitted to withdraw the award amount with accrued interest and costs, less the award amount already withdrawn, if any, by filing necessary application before the Tribunal;

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Chief Judicial Magistrate,
The Motor Accidents Claims Tribunal,
Theni.

Copy to:

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

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-15383 dated 30/03/2022)

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-15575 dated 31/03/2022)



WEB COPY

CMA(MD). No.235 of 2021

ORDER DATED : 30/03/2022

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DECREE

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CMA(MD) . No.235 of 2021

Nature of Decree:- Allowing the Civil Miscellaneous Appeal preferred against the judgment and decree dated 05/02/2020 and made in M.C.O.P.No.89 of 2017 on the file of the Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Theni, etc., as stated within.

SMV (CO)
GC(11.05.2022) 3P 6C